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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—Wednesday, June 20, 1984

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Help us, O Gracious God, to see the fullness of Your creation and the majesty of Your gift of life. We are often so busy doing the day's work that we miss life's calling, we deal with the urgent, but miss the essential, and with so much energy used to satisfy the business of things we stand the chance to lose the purpose of all life. O God, show us Your way so that in our use of time, we may gain eternity. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5174. An act to provide for the appointment of United States bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5174) entitled

"An act to provide for the appointment of United States bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. DOLE, Mr. SIMPSON, Mr. EAST, Mr. HATCH, Mr. GRASSLEY, Mr. BIDEN, Mr. HEFLIN, Mr. DeCONCINI, and Mr. METZENBAUM to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2776. An act to continue the transition provisions of the Bankruptcy Act until June 27, 1984, and for other purposes.

CALENDAR WEDNESDAY

The SPEAKER. This is the day of Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

THREE NEW DEFERRALS OF BUDGET AUTHORITY AND FIVE REVISED DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-234)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Wednesday, June 20, 1984.)

12TH ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Government Operations.

(For message, see proceedings of the Senate of today, Wednesday, June 20, 1984.)

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair had not intended to take 1 minute, but as we are awaiting a chairman to arrive on the floor the Chair will take 1 minute at this time.

DUSTY MAC—A SYMBOL OF GROWTH AND PROGRESS

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, his name is "Dusty Mac" and he's become a familiar character to millions of people who include Las Vegas in their travel plans. Not a new hamburger at a roadside restaurant, Dusty Mac is the cartoon symbol of growth and progress at Las Vegas McCarran International Airport.

Though most visitors think of Las Vegas in terms of its diversified activities few people realize the impact of our airport on getting them into and out of the city.

In 1983, for example, more than 10 million people utilized these facilities. On a daily basis more than 28,000 passengers arrived and departed on approximately 340 scheduled flights. These airline travelers represented 42 percent of all visitors to Las Vegas.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Notably, these figures serve as a meaningful reference point for the present and the future.

Now ranked the 80th largest city in the country, Las Vegas has a volume of air traffic equal to that of Houston, the Nation's fourth largest city. This air travel is expected to double by the year 2000.

That's why McCarran is undergoing a major expansion and remodeling project—an important part of its continuing effort to provide modern and convenient facilities for our visitors by air.

□ 1010

SUMMER YOUTH JOBS CONTINUED TO BE HELD HOSTAGE

(Mr. GRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAY. Mr. Speaker, I am indeed dismayed this morning, for the President has done it again. The President still refuses to allow the passage of an urgent supplemental unless it includes the \$21 million for his covert war in Nicaragua.

On the one hand, the President extols the virtues of family life and traditional values. Yet, at the same time, he combines the money for the covert war in Nicaragua with the money for 100,000 summer jobs, for the women's, infants' and children's feeding programs, which means that we are holding hostage jobs for summer youth for this year.

In my State alone, it means 5,654 jobs. In my city of Philadelphia, 1,323 jobs for disadvantaged summer youth will be held up by this cynical tactic of attaching the \$21 million for the covert war in Nicaragua.

Mr. President, instead of talking about family values, instead of talking about putting people to work, let us separate these two issues and allow both Houses to act on the covert aid separately and not allow our youth to suffer.

GRAND GULF NUCLEAR POWERPLANT

(Mr. HUCKABY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUCKABY. Mr. Speaker, as a member of the House Interior Committee for the last 8 years, I want to apologize to the people of the State of Mississippi, I want to apologize to the people of the following institutions of higher learning:

Tulane University, U.S. Naval Academy, University of South Florida, Georgia Southern College, Mississippi State University, Texas A&M, University of Wisconsin, University of Mississippi, University of North Carolina, Vander-

bilt University, Georgia Institute of Technology, University of Houston, Massachusetts Institute of Technology, Stanford University, University of Tennessee, University of Arkansas, and Purdue University.

The members of the management team at Mississippi Power & Light hold degrees from these universities. I apologize for the statement made in the Wall Street Journal last Friday by a member of the Interior staff. I quote: "The people are out in Mississippi trying to operate a nuclear plant; they're not qualified to operate a car."

I and a majority of my colleagues on the committee are sending a letter to Chairman UDALL demanding that actions be taken so that these bigoted statements will never appear again.

I have had and continue to have full confidence in the State of Mississippi and Mississippi Power & Light.

THE REAGAN ADMINISTRATION'S HOUSING POLICIES

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, the poor, elderly, disabled, and middle income continue to suffer because of the Reagan administration's housing policies.

During hearings held in my district in California's San Gabriel Valley, by Mr. GONZALEZ, the chairman of the Subcommittee on Housing, I learned, along with two other colleagues from the Subcommittee on Housing, that it doesn't matter if the moderate-income person wants to purchase a first home.

Rising interest rates and the short supply of housing make it impossible.

It doesn't matter if the low income want adequate rental housing.

Low vacancy rates and high monthly rents make it impossible.

And it doesn't matter if the poor want federally assisted housing.

The need exceeds the supply and new projects are discouraged.

This administration has robbed Federal housing programs of their spirit, fairness, and goals.

Mr. Speaker, the Subcommittee on Housing listened to mayors, realtors, developers, tenants, and the disabled.

Housing problems are real and hurt all sectors of the economy.

It is time for the Reagan administration to listen.

OFFICER JUAN ANDINO—HIS DEATH SHOULD BE MEMORIALIZED

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, I am deeply saddened to report another

senseless tragedy involving one of our Nation's law enforcement officers. Last Friday, 11-year New York City police veteran Juan Andino, age 39, was shot and killed during the arrest of a shoplifting suspect. As a police veteran and a Representative of the Bronx, where this savagery was committed, I join countless others in mourning the death of such a courageous and revered police officer, who exemplified his proud Hispanic heritage.

Officer Andino's death marked the third time this year that a New York City police officer has been killed in the line of duty. Last year, 147 police officers were killed in the line of duty nationwide.

Mr. Speaker, these deaths are grim reminders that the war on crime is raging on. Unlike other wars, though, there is no national memorial honoring the heroes who die in the fight against crime. That is why I have authored legislation (H.J. Res. 482) to establish a National Law Enforcement Heroes Memorial to be paid for by private contributions. A similar Senate measure has already received favorable committee action, and more than 120 House Members have joined me as cosponsors of this worthy cause. I urge my other colleagues to add their names to this long overdue tribute to our Nation's finest. Police heroes like Officer Juan Andino deserve the special recognition a national memorial would provide.

SPECIAL ORDER TO CONSIDER BALANCED BUDGET AMENDMENT

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, in a special order this evening 31 of my colleagues will be joining with me to bring the total to 32. They will read into the Record the resolutions that State legislatures have passed across this Nation since 1976 asking this Congress to author and issue forth for State ratification a constitutional amendment to balance the Federal budget and limit taxes.

We will place those resolutions into the Record tonight, Mr. Speaker, for a very clear and simple reason. Come November, when California and Montana vote asking for their State legislatures to author and send to this Congress resolutions, you, Mr. Speaker, and this House, must come to the conclusion that 83 percent of the American public must at least be given the opportunity, through their State legislative process, to ratify or deny a constitutional amendment to the Federal Constitution on a balanced budget tax limitation.

THE CONGRESSIONAL BASEBALL GAME

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I want to appeal to your sense of fairness as the leader of your party.

Today, that group of garrulous gophers—that gaggle of giggling goof-offs that call themselves the “Democratic Baseball Team” have gone beyond the bounds of good sportsmanship with their ridiculous accusations.

First of all, Mr. Speaker, your team wants to change the rules. After years of free substitution on the base paths they want to thwart my base-running wiz, “jet-feet” JOHN KASICH from stealing them blind. Changing the rules now is more like what is happening at your convention than at a baseball game.

Second, your liniment-soaked bunch of bobbles—led by your third baseman, affectionately known as “boot-it” Russo, are claiming that we Republicans altered last year’s official play book. They say that faulty record-keeping does not really reflect what was done on the field. They are calling this a “falsetgate” scandal. This is a low blow and you should chastize them for such a libelous impropriety.

Worst of all, Mr. Speaker, your team is impugning our honor by claiming that I had public television pan the empty Democrat dugout without notifying your team. That is untrue. Your dugout was not empty. Your team is just mad because one of the gentlemen from Florida was caught sucking his thumb while the gentleman from Oklahoma was cuddling his teddy bear.

If the truth be known, it is we Republicans that should complain. Last year the Democrats went to bat before any of my players even got to the game. Fortunately for us, in true Democrat fashion, even with an empty field, they only scored seven runs before making three outs. We finally got there in time to catch up.

Mr. Speaker, we ask you to intervene to end all this name calling and accusation so that we can resolve the game once and for all tonight at Four-Mile Run Park in Alexandria at 7 p.m. Hope to see the Members and staff come out and cheer us on as we play to help the kids at Children’s Hospital.

□ 1020

WHAT A DIFFERENCE A YEAR MAKES

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker and Members of the House, what a difference a

year makes. Last year there was a veritable parade of legislators who took the podium in the well to denounce Reaganomics and the White House for the state of the economy. They deplored the rate of unemployment. They deplored the number of people out of work and seeking jobs.

What a difference a year makes. Where are they today when the President and Reaganomics should be given credit for a rising gross national product, a rise in the net income of the working American, a lowering of unemployment to rates well acceptable in today’s economy, the greatest number of people working today than ever in the history of the United States, a rate of inflation kept intact despite this rise in the prosperity of the Nation?

What a difference a year makes. Now is the time for those people to come back to the well and say, “Perhaps I was wrong, perhaps Reaganomics and the President’s economic policies are indeed working.”

We have work to do on the deficits, we have work to do to maintain this economy, to be sure. But, to be fair, the President should be given credit for the state of the economy on the rise.

WHO HAS FIRST PRIORITY FOR JOBS—AMERICANS OR ILLEGAL ALIENS?

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the unemployment rate in this country has dropped from over 10 to 7.5 percent. This is still not as good as we can do.

Part of the unemployment problem is that not everyone employed in this Nation is an American. There is an estimated 5 to 20 million illegal aliens in this country.

Illegal aliens take jobs from Americans. The question is who will be employed, who has first priority for jobs: Americans or illegal aliens.

It’s fair, necessary, and vital to economic health that Americans have job opportunities, not those whose first act in the Nation is to violate our laws. Amnesty for persons who violate immigration law says: you’ve not followed the law and we’re rewarding you with citizenship. We need immigration reform so that immigration law won’t continue to be a welfare program for foreigners.

There are 9 million Americans looking for work. There are 5 to 20 million illegal aliens. These numbers suggest a solution to the unemployment problem.

REREFERRAL OF H.R. 5853, AMENDING THE ACT PROVIDING FOR INCORPORATION OF CERTAIN PERSONS AS GROUP HOSPITALIZATION, INC.

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 5853) to amend the act providing for the incorporation of certain persons as Group Hospitalization, Inc., and that the bill be rereferred to the Committee on the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. FISH. Reserving the right to object, Mr. Speaker, could the gentleman inform the House what bill this is?

Mr. MAZZOLI. If the gentleman will yield to me under his reservation of objection, the gentleman from Kentucky can state that this bill, H.R. 5853, amends a 1939 act, reported by the Committee on the District of Columbia, providing for the incorporation as a D.C. corporation of Group Hospitalization, Inc. The bill was erroneously referred to the Committee on the Judiciary, and this request propounded by the gentleman from Kentucky corrects the erroneous reference.

Mr. FISH. Can the gentleman tell me, since the minority is in the dark on this legislation, has this action been approved by the minority?

Mr. MAZZOLI. I understand the gentleman from California [Mr. LUNGREN] was consulted earlier this morning.

Mr. FISH. That was with respect to bankruptcy, not with respect to this bill.

The SPEAKER. This is a rereferral from the Committee on the Judiciary to the Committee on the District of Columbia.

Mr. FISH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5174, BANKRUPTCY AMENDMENTS OF 1984

Mr. MAZZOLI. Mr. Speaker, by direction of the Committee on the Judiciary, pursuant to rule XX, I move that the House disagree with the Senate amendment to the bill (H.R. 5174) to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain stor-

age facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes, and agree to the conference requested by the Senate.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky [Mr. MAZZOLI].

The motion was agreed to.

The SPEAKER. The Chair appoints the following conferees: Messrs. RODINO, KASTENMEIER, EDWARDS of California, SEIBERLING, HUGHES, SYNAR, GLICKMAN, MORRISON of Connecticut, FISH, MOORHEAD, KINDNESS, and SAWYER.

CONTINUATION OF TRANSITION PROVISIONS OF BANKRUPTCY ACT

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2776) to continue the transition provisions of the Bankruptcy Act until June 27, 1984, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. FISH. Mr. Speaker, reserving the right to object, this is the fourth extension of the transitional period, but it is the very first to be enacted in an atmosphere of positive hope for resolution of our bankruptcy problems in the immediate future. That is why the extension is for a mere 7 days. Many of our colleagues in the past have said, "No more extensions," when we passed the lengthy ones on May 24, April 26, and March 30. I hope that they will consider giving the Congress the benefit of the doubt this one more time. The stakes are very high as we go into conference on H.R. 5174, the omnibus bankruptcy bill on which the other body has now acted. If we fail to achieve agreement by June 27, I anticipate that the transition period will be extended well into next year, and all of those who have advanced their bankruptcy interests thus far will have to commence all over again in the 99th Congress, a prospect I am sure few of us relish.

I wonder if the chairman of the subcommittee could, on behalf of Chairman RODINO, give us some assurances that we will be acting with diligence and dispatch to achieve this 7-day deadline in the conference.

Mr. MAZZOLI. If the gentleman will yield under his reservation of objection, on behalf of the distinguished chairman of our full committee, I can assure the gentleman that this 7 days which our bill provides will give the conferees an opportunity to, in a positive atmosphere, as the gentleman has

correctly characterized it, seek a final agreement and some final solution to this nettlesome problem which has dragged on for the better part of, I guess, 2 years. So I can certainly assure the gentleman, who will be a conferee and involved in it actively, that the gentleman from New Jersey, our chairman [Mr. RODINO], wants this to be the very last extension and that these conferees will be able to work out a compromise, and then we will have a chance to vote on it.

Mr. FISH. The chairman is giving me assurance, on behalf of the chairman of the full committee, that he expects this conference and he will do his best to see that this conference within this limited time does resolve this issue and it is not extended into next year?

Mr. MAZZOLI. Simply stated, the gentleman from Kentucky will respond yes.

Mr. FISH. I thank the gentleman, and I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 402 of the Act entitled "An Act to establish a uniform law on the subject of Bankruptcies" (Public Law 95-598) is amended in subsections (b) and (c) by striking out "June 21, 1984" each place it appears and inserting in lieu thereof "June 28, 1984".

(b) Section 404 of such Act is amended in subsections (a) and (b) by striking out "June 20, 1984" each place it appears and inserting in lieu thereof "June 27, 1984".

(c) Section 406 of such Act is amended by striking out "June 20, 1984" each place it appears and inserting in lieu thereof "June 27, 1984".

(d) Section 409 of such Act is amended by—

(1) striking out "June 21, 1984" each place it appears and inserting in lieu thereof "June 28, 1984"; and

(2) striking out "June 20, 1984" each place it appears and inserting in lieu thereof "June 27, 1984".

SEC. 2. The term of office of any bankruptcy judge who was serving on June 20, 1984, and of any bankruptcy judge who is serving on the date of the enactment of this Act is extended to and shall expire on June 27, 1984.

SEC. 3. (a) Section 8339 (n) of title 5, United States Code, is amended by striking out "June 21, 1984" and inserting in lieu thereof "June 28, 1984".

(b) Section 8331 (22) of title 5, United States Code, is amended by striking out "June 20, 1984" and inserting in lieu thereof "June 27, 1984".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IMMIGRATION REFORM AND CONTROL ACT OF 1963

The SPEAKER. Pursuant to House Resolution 519 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1510.

□ 1030

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1510) to revise and reform the Immigration and Nationality Act, and for other purposes, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 19, the amendment in the nature of a substitute recommended by the Committee on the Judiciary was considered as an original bill for the purpose of amendment which is only subject to amendment by the amendments made in order pursuant to House Resolution 519.

AMENDMENT NO. 58 OFFERED BY MR. MINETA

The CHAIRMAN. Amendment No. 58 is in order at this time.

Does the gentleman from California [Mr. MINETA] desire to offer Amendment No. 58?

Mr. MINETA. Yes, I do, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 58 offered by Mr. MINETA: Page 97, strike out line 21 and all that follows through page 98, line 18, and insert in lieu thereof the following:

"(d)(1) There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

"(2) An alien whose application for adjustment of status under this section is denied is entitled to a de novo hearing with respect to such application if a notice of request for such hearing is made within a reasonable time (of not less than thirty days, as established by the Attorney General) of the date of the notice of the denial. Only one such de novo hearing may be requested with respect to any alien. The hearing shall be conducted before an administrative law judge in accordance with the requirements of section 554 of title 5, United States Code, and rules of the United States Immigration Board established under section 107.

"(3)(A) If such a hearing is timely requested, any further administrative or judicial review (whether in a deportation proceeding or otherwise) of the determination on the application for adjustment shall be based solely upon the administrative record upon which the order is based and the administrative law judge's findings of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(B) If an alien does not make a timely request for a de novo hearing under paragraph (2), any administrative or judicial review shall be based solely on the administrative record upon which the determination on the application was made.

"(4) An applicant may elect to have administrative appellate review by the United States Immigration Board of a determination respecting an application for adjustment under this section only once, either in a review of a determination after a de novo hearing under paragraph (2) or in a review of a deportation order respecting the applicant.

"(5) There shall be no judicial review of a denial of an alien's application for adjustment except in the judicial review under section 106 of an order of deportation with respect to the alien."

Mr. MINETA. Mr. Chairman, this amendment expands the review process for the adverse determination of applications for legalization.

Many Members may think that getting amnesty will be easy, that it can be done merely by meeting residency requirements. This is far from the truth. The legalization appeals process is complicated, and it may confuse those seeking legal status. Many times, due to the fact that immigrants are not familiar with the way our government systems work, or because they speak a different language, they do not understand what is being asked of them and do not follow instructions properly. Often what can happen is that these individuals fill out applications inaccurately and incompletely. I am concerned about these people and about how our Government treats them. If we are truly serious about establishing a fair legalization appeals process, then we must make a good-faith effort to adequately assist those applying. At the same time, we do not want to unduly burden the Government or the applicants with an excessively complex process.

The purpose of this amendment is to ensure that fair administrative reviews are conducted by INS and to provide for the complete consideration of all possible evidence to determine legalization.

First, this amendment will permit applicants who are denied legalization by INS to appeal their case to an administrative law judge who can provide a semi-independent review. Applicants are thereby assured that their appeal will receive a thorough and objective review.

Second, an important part of this amendment is that it provides an opportunity to keep the record of evidence open throughout the appeals review. It permits the administrative law judge to take into account all relevant data which may present "substantial evidence" in the legalization case. New facts that may be critical in determining whether a person is eligible for legalization can then be presented appropriately.

Under H.R. 1510, no allowances are made to consider information other than that which appears in the initial application. The only time a person can try to set the record straight is after the appeal has been taken outside of INS to the Federal judicial system for review. An individual must then prove, again based solely on the existing record, that "gross abuse of discretion" was made by INS authorities.

This "gross abuse" provision, prompts particularly great fear about the injustice that may occur when an individual has been misinterpreted or misunderstood. We should not place the burden of proof entirely on the individual seeking legalization, and we should not forget that our intention here is to legislate a review process that establishes a clear, fair opportunity for individuals to present their best case. We do not want to overburden the system by creating overly formal procedures, but neither do we want to be unjust.

Third, this amendment allows applicants to appeal to the U.S. Immigration Board before pursuing a judicial review. The reason for including this additional level of review is to make sure all administrative recourses are exhausted before appeals can be taken to a Federal court. At the same time, the USIB will be able to review each case individually and thereby serve as a safeguard to assure fair reviews are made.

Mr. Chairman, this amendment is a necessary compromise. We must make sure that the review process is thorough, just, and effective. Most importantly, we must guarantee due process to each individual seeking legal status. We want to establish in this country a fair legalization appeals process that encourages, not discourages, undocumented immigrants to pursue legalization. If the process is considered unjust and extremely cumbersome, they are likely to disregard it altogether and continue to remain in this country illegally.

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

(By unanimous consent, Mr. MINETA was allowed to proceed for 1 additional minute.)

Mr. MINETA. And ultimately, we will be faced with a system that encourages violation of the law and increases the number of undocumented persons residing here. Is this not exactly what we are trying to avoid?

The American Bar Association has endorsed this amendment, because of their concern for a fair and equitable appeals process. I welcome their support.

I am told the ABA shares my belief that any appeal must be outside the line authority of the Immigration and Naturalization Service; and that appli-

cants have the opportunity to expand upon and correct information in their initial application.

I welcome the ABA's support, and urge my colleagues to vote for a fair and constructive legalization appeals process by supporting this amendment.

Thank you, Mr. Chairman.

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

(On request of Mr. DAUB and by unanimous consent, Mr. MINETA was allowed to proceed for 1 additional minute.)

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman.

Mr. DAUB. I thank the gentleman for yielding.

Mr. Chairman, I want to indicate my very strong support for the constructive and careful attention that the gentleman has paid to the problem that I think, in conference, will provide the basis for a very workable solution to the problem that has been very incisively described by the gentleman and his amendment will go a long way toward solving the problem.

I want to join with him in support of the amendment and thank him for his work.

Mr. MINETA. I appreciate the comments of my friend from Nebraska.

Mrs. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman.

Mrs. BURTON of California. I am very pleased that the gentleman offered this amendment. I was concerned about the review, and I support it and hope all of the Members will support it.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman.

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman and with this splendid amendment. It is a real contribution and I hope that it is adopted unanimously.

Mr. MINETA. I appreciate the comments of the gentleman.

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has again expired.

(On request of Mr. McCOLLUM and by unanimous consent, Mr. MINETA was allowed to proceed for 1 additional minute.)

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman.

Mr. McCOLLUM. While the gentleman has proposed a framework that I think is undoubtedly a good one as far

as the technicalities are concerned, and this Member is not going to call for a recorded vote, I do feel constrained to comment that during the course of deliberations in the markup and subcommittee and so forth, this type of effort was beaten back and this Member opposed it, and has to continue to personally oppose it because it does add a considerable cost factor and time delay that I do not think is necessary for fairness or justice, that the Member is seeking.

The framework we have in the bill now is a very fine one for the legalization process. While I am opposed to legalization, if we are going to have it, I want to be fair, just like the gentleman does. My opposition is only a matter of degree, and as I say, I will not oppose it here on the floor today by calling for a recorded vote.

Mr. MINETA. I appreciate the comments of my colleague from Florida.

The CHAIRMAN. The time of the gentleman from California (Mr. MINETA) has again expired.

(On request of Mr. MAZZOLI and by unanimous consent, Mr. MINETA was allowed to proceed for 30 additional seconds.)

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I will be pleased to yield to the very distinguished and fine friend from Kentucky, Mr. MAZZOLI.

Mr. MAZZOLI. I thank my friend from California, Mr. MINETA, for yielding to the gentleman.

Let me also salute the gentleman, as my colleagues have done earlier, on the constructive addition to the bill. I want to commend the gentleman for having brought this matter forward. It does improve the bill, and we think it adds fairness to the whole question of legalization.

I hope, as I believe the gentleman will too, that when we reach the end of this long debate this afternoon, and are faced with final passage of the bill, I hope that all the amendments which have been offered by gentlemen like the gentleman from California (Mr. MINETA) and others, which have improved this bill markedly, would be considered by those when it comes to the point of sending it on or keeping it here.

I thank the gentleman for his contribution.

Mr. MINETA. I trust my colleague very highly, and I know that he will do well by us in conference.

□ 1040

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on this side of the aisle we have no objection to this amendment at this time. There is some argument, I think, that perhaps the de novo hearing is not necessary

since we have both an administrative review and an appellate review of the record. But I understand what the gentleman is doing and it is something we are going to have to look at in conference.

So at this point, we do not object to the amendment.

The CHAIRMAN. The question is on amendment No. 58 offered by the gentleman from California (Mr. MINETA).

The amendment was agreed to.

AMENDMENT NO. 59 OFFERED BY MR. SCHEUER

The CHAIRMAN. Amendment No. 59 is in order at this time.

Does the gentleman from New York (Mr. SCHEUER) desire to offer amendment No. 59?

Mr. SCHEUER. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 59 offered by Mr. SCHEUER:

Page 90, beginning on line 18, strike out "a date" and all that follows through "Attorney General" on line 20 and insert in lieu thereof "the effective date of the legalization program (as described in subsection (e)(3)(D))".

Page 94, beginning on line 11, strike out "the date of the enactment of this section" and insert in lieu thereof "the effective date of the legalization program (as described in subsection (e)(3)(D))".

Page 95 beginning on line 9, strike out "before the beginning of the one-year application period described in subsection (a)(1)" and insert in lieu thereof "after the date the Commission submits a report under subsection (e)(3)(A) and before the effective date of the legalization program".

Page 95, line 14, strike out "such period" and insert in lieu thereof "the application period described in subsection (a)(1)".

Page 98, line 18, strike out all that follows the first period.

Page 98, after line 18, insert the following new subsection:

"(e)(1) There is established a Select Commission on Immigration Enforcement and legalization (hereinafter in this subsection referred to as the 'Commission') which shall be composed of—

"(A) eight members appointed by the President from a list (of at least 24 individuals, none of whom are officials or employees in the legislative branch of the Federal Government) submitted by the Speaker of the House of Representatives, and

"(B) eight members appointed by the President from a list (of at least 24 individuals, none of whom are officials or employees in the legislative branch of the Federal Government) submitted by the President pro tempore of the Senate.

"(2)(A) A majority of the Commission shall constitute a quorum for the transaction of its business, but the Commission may provide for the taking of testimony and the reception of evidence at meetings at which there are present not less than four members of the Commission.

"(B) Each member of the Commission who is not otherwise in the service of the Government of the United States shall be compensated at a rate not to exceed the daily equivalent of the rate then payable for grade GS-18 in the General Schedule under section 5332 of title 5, United States Code,

for each day spent in the work of the Commission, be paid actual travel expenses, and per diem in lieu of subsistence expenses, when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code. Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other services, but while engaged in the work of the Commission shall be paid actual travel expenses, when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code.

"(3)(A)(i) The Commission shall study and report to the Congress not later than nine months after the date of the enactment of this section on the effectiveness of the actions of the Attorney General to interdict the illegal entry of aliens into the United States and to eliminate substantially aliens' violations of their conditions of entry.

"(ii) Such study shall include a review of the Attorney General's efforts regarding—

"(I) preventing the misuse of visas, permits, social security cards, and other documents described in section 1546 of title 18, United States Code in obtaining entry into the United States;

"(II) preventing smuggling of undocumented aliens into the United States and other violations of section 274 of this Act;

"(III) the actual numbers of Service officers and their placement and distribution on the borders of the United States;

"(IV) eliminating nonimmigrants' violations of their conditions of entry;

"(V) seizure and forfeiture of vehicles used in the smuggling of unauthorized aliens into the United States; and

"(VI) the capacity and utilization of detention centers for aliens who are apprehended and who are in deportation or exclusion proceedings.

"(B)(i) Based on its findings, the Commission shall develop recommendations for actions and improvements for more effective implementation of this Act in order to secure the borders of the United States and to eliminate substantially aliens' violations of their conditions of entry. The Commission shall submit its initial findings and recommendations to the Congress.

"(ii) The Committees on the Judiciary of the House of Representatives and of the Senate shall hold hearings respecting such findings and recommendations within 60 days after the date of receipt of the findings and recommendations.

"(iii) The Chairmen of the Committees of the Judiciary of the House of Representatives and of the Senate shall cause the initial findings and recommendations of the Commission and the results of the hearings under clause (ii) to be printed in the Congressional Record as soon as possible after the conclusion of the hearings.

"(C) After submitting its initial findings and recommendations, the Commission shall continue to monitor the implementation of the provisions of this act and shall report to Congress when effective programs have been established to interdict the illegal entry of aliens into the United States and to eliminate substantially aliens' violations of their conditions of entry and the borders of the United States are reasonably secure.

"(D) For purposes of this section, the effective date of the legalization program is the first date of the fourth month beginning after the date the Commission reports to Congress under subparagraph (C) that effective programs have been established to

interdict the illegal entry of aliens into the United States and to eliminate substantially aliens' violations of their conditions of entry and that the borders of the United States are reasonably secure.

"(4)(A) The Commission is authorized to appoint and fix the compensation of such personnel as may be necessary to enable it to carry out its functions without regard to the civil service laws, rules, and regulations. Any Federal employee subject to those laws, rules, and regulations may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(B) Staff members of the Committee on the Judiciary of the Senate or of the Committee on the Judiciary of the House of Representatives may be detailed to serve on the staff of the Commission by the chairman of the respective committee. Staff members so detailed shall serve on the staff of the Commission without additional compensation except that they may receive such reimbursement of expenses incurred by them as the Commission may authorize.

"(5) The Commission may call upon the head of any Federal department or agency to furnish information and assistance which the Commission deems necessary for the performance of its functions, and the heads of such departments and agencies shall furnish such assistance and information, unless prohibited under law, without reimbursement.

"(6) The Commission is authorized to make grants and enter into contracts for the conduct of research and studies which will assist it in performing its duties under this section.

"(7) The Commission shall cease to exist upon the effective date of the legalization program, except that the Commission may continue to function for up to 60 days thereafter for the purpose of winding up its affairs.

"(8) The Commission is authorized to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the daily equivalent of the rate then payable for grade GS-18 in the General Schedule under section 5332 of such title.

"(9)(A) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection.

"(B) Notwithstanding any other provision of this subsection, no payment, or authorization to make payments or to enter into contracts under this subsection, shall be effective except to such extent, or in such amounts, as are provided in advance in appropriations Acts."

Page 98, beginning on line 23, strike out "the date of the enactment of this Act" and insert in lieu thereof "the effective date of the legalization program under section 245A of the Immigration and Nationality Act".

Page 99, beginning on line 1, strike out "section 245A of the Immigration and Nationality Act" and insert in lieu thereof "such section".

Mr. SCHEUER. Mr. Chairman, I am going to ask unanimous consent not to submit the amendment; rather, I am going to have a colloquy with the chairman of the committee on the legislative intent. I think in this manner we can save some time and clarify the intent of the Congress. So I would like simply to engage in a colloquy as to

what the intent of the reporting requirements are which the gentleman has structured into this bill.

There are three questions, Mr. Chairman.

No. 1, you have required a report to Congress on admissions and numerical limitations. Among the items the report will assess is the impact of immigration on the U.S. population growth rate.

I would like to make sure that my understanding is correct that population growth rate includes, but is not limited to, specific demographic changes. In particular, may I ask the distinguished chairman, will this include such factors as:

Where population growth is taking place or where shifts are occurring, that is—in rural or in urban areas; and will it also include information regarding educational levels, occupations, countries of origin, age structure, and fertility of legal and illegal immigrants in the U.S. population?

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. Of course I yield to the gentleman from New Jersey.

Mr. RODINO. I thank the gentleman for yielding.

Mr. Chairman, first of all I want to state that I know of the gentleman's deep concern because he has been following this problem for a period of time.

Anticipating that there would be a need for the Immigration Service to have all the information that is possible in order to assist us in establishing a good immigration policy, the Judiciary Committee in the Justice Department authorization bill (H.R. 5468), mandated certain action. I would like first to read very carefully from the committee report on the bill regarding the question of statistics.

The committee amendment for the first time provides statutory language requiring the collection, preparation and distribution of information and data on the number and characteristics of immigrant and non-immigrant aliens entering and departing the United States.

The committee is deeply concerned about the unavailability of accurate and current statistical information on immigration matters. The committee notes in this regard that INS has not devoted sufficient resources and attention to this problem and, to a great extent, has ignored the statistical needs of Congress, as well as the research needs of demographers.

That tells the gentleman where the committee stands and the committee certainly is going to inquire into this area and the information the gentleman now is seeking is important, essential information.

Mr. SCHEUER. So the gentleman considered the specific kind of demographic information that I have outlined as included.

Mr. RODINO. That is correct.

Mr. SCHEUER. I thank the gentleman.

No. 2, the report contained in title II is to include a reasonable estimate of the number of aliens who entered the country without visas or became deportable.

In order to determine these numbers, I would like to ask whether this report is intended to include estimates of the number of aliens who enter the United States by using fraudulent documents?

Mr. RODINO. Again, I answer the gentleman yes, that is what the committee intends, the necessary information. I am glad that the gentleman specifically addresses this.

Mr. SCHEUER. I thank the chairman.

No. 3, will the report inform us as to how many nonimmigrants have fallen into undocumented status by violating their conditions of entry?

Mr. RODINO. Yes. This is, of course, again is essential information, namely those who came in and fell out of status.

Mr. SCHEUER. I thank the chairman. I believe that all of these factors which we have discussed are critical to fulfilling the essential reporting requirements that the chairman has included in this legislation.

The CHAIRMAN. The time of the gentleman from New York [Mr. SCHEUER] has expired.

(By unanimous consent, Mr. SCHEUER was allowed to proceed for 30 additional seconds.)

Mr. SCHEUER. Expanding the information we have on the number of illegal aliens in this country and the impact of immigration on demographic change in the U.S. population will enable us to make a more effective continuing review of our immigration policy.

I thank the chairman kindly for his time and attention.

Mr. RODINO. I thank the gentleman for his interest.

The CHAIRMAN. The gentleman from New York [Mr. SCHEUER] asks unanimous consent to withdraw his amendment.

Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT NO. 60 REPORTED BY THE COMMITTEE ON ENERGY AND COMMERCE AND OFFERED BY MR. WAXMAN

The CHAIRMAN. Amendment No. 60 reported by the Committee on Energy and Commerce is in order at this time.

Does the chairman of the Committee on Energy and Commerce desire to offer amendment No. 60?

Mr. WAXMAN. Mr. Chairman, I wish to offer that amendment on behalf of the Committee on Energy and Commerce.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 60 reported by the Committee on Energy and Commerce and offered by Mr. WAXMAN: Page 99, line 3, insert "and on public health and medical needs of individuals" after "governments".

Mr. WAXMAN. Mr. Chairman, this amendment is quite straightforward.

Under the judiciary bill, the President is required to report to Congress on the impact of the legalization program within 18 months after enactment.

This amendment specifies that this report must include a description of the impact of the program on the public health and medical needs of individuals in different regions of the country.

During the committee's consideration of this legislation, it became apparent that there is very little reliable information on the health status or needs of the undocumented alien population in the country. This made it very difficult to evaluate the different policy recommendations the committee received regarding health coverage for legalized aliens.

The purpose of this amendment is to assure that, as many of these aliens adjust their status under this bill, the Department of Health and Human Services, in cooperation with the States and localities, make a concerted effort to learn as much as possible about the public health and medical care needs of this newly legalized population. We are particularly interested in the public health and medical care services that the different States and counties deliver to this population, the extent to which they meet the needs, and the costs of those services to all levels of government.

This amendment has no cost and, to the best of my knowledge, no opposition. I urge its adoption.

Mr. MAZZOLI. Mr. Chairman, will my friend, the gentleman from California, yield to the gentleman from Kentucky?

Mr. WAXMAN. I would be pleased to yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding to the gentleman from Kentucky.

Mr. Chairman, on behalf of the majority, I think this amendment is agreeable and actually desirable. I think it adds to the knowledge that we will have on this whole problem, and I salute the gentleman for having offered it. We will accept it.

Mr. FISH. Mr. Chairman, will the gentleman yield to me?

Mr. WAXMAN. I would be pleased to yield to my colleague, the gentleman from New York.

□ 1050

Mr. FISH. Mr. Chairman, I thank the gentleman for yielding.

I am advised that the minority on the Committee on Energy and Commerce has no objection to the gentleman's amendment. The committee amendment simply requires that the mandated Presidential report to Congress on the legalization program include a report on the impact of the program on the public health and medical needs of the individuals covered. On behalf of the minority on the Committee on the Judiciary, I am pleased to accept the amendment.

Mr. SCHEUER. Mr. Chairman, will my colleague, the gentleman from California, yield?

Mr. WAXMAN. I am pleased to yield to the gentleman from New York, the chairman of the subcommittee.

Mr. SCHEUER. Mr. Chairman, I rise in strong support of the gentleman's amendment.

Mr. Chairman, I would like to commend Mr. WAXMAN for his fine work and leadership in formulating the Energy and Commerce Committee amendments to this bill.

These amendments address the public health and individual medical concerns related to the legalization program provided in this legislation.

The merits of amnesty—whether or not we should have this amnesty—is not the issue here.

The issue is that if we are going to have the legalization program provided for in this bill, then we must consider its implications for health care in this country.

This amendment simply requires the President to report to Congress on the impact of the legalization program on State and local governments and on public health and medical needs of individuals in different regions of the United States.

The addition of millions of new legal residents to our population will, undoubtedly, have a tremendous impact on how we provide health services.

Although most of these people have been here for many years, because they are here illegally, we have little or no information on their state of health.

These factors affect both the individual aliens and our own citizens.

We must bear in mind that most of these people have come from developing countries where health services are not available in any comprehensive way and what is available comes nowhere near the quality of health care we provide in the United States.

Therefore, it is vital that they have access to health services and that we learn what their medical needs are and how their health problems affect our citizens.

At the same time that we make certain that newly legalized aliens receive necessary health care, we must make

sure that the provision of these services does not place an undue burden on our States.

A recent California Court of Appeal decision ruled that undocumented aliens who are not in a formal deportation proceeding are entitled to receive Medi-Cal benefits.

The California Department of Health Services estimates that this decision would cost them an additional \$98 million a year.

If these people are legalized, and if more come forward than the number California has estimated to be residing there illegally now, can you imagine what the cost of providing these services would be for California and all of our States?

The amnesty contained in this bill creates an additional pull factor that will only encourage an explosion of additional illegal immigration to the United States.

Anyone who is at all familiar with immigration, both legal and illegal, will tell you that for a modest amount of a few hundred dollars, an immigrant can obtain forged documents showing he came over on the *Mayflower*, and can certainly meet the January 1, 1982, qualifying date or any other.

There is a large number of counterfeiters who are already prepared to provide all the documents an illegal immigrant needs to establish his eligibility for legalization, such as: Rent receipts, driver's license, birth certificate, and Social Security card.

And the counterfeiters will get that fee.

They are getting it now.

The old adage that "you can't put a price on freedom" may be true, but not at our borders.

We ourselves, by passage of amnesty—along with open borders, totally out of control—will create a tidal wave of new illegal immigrants that will make our current immigration problems seem modest by comparison.

This new inundation of illegal immigrants that will be triggered by amnesty plus open borders, plus ready availability of forged documents will have an exponential impact on the cost of immigration to our States and localities.

They will be faced with a new burden of exorbitant costs and equally great demands for additional health care services.

We have an obligation to see that the financial needs of our States and localities, as well as the public health, are addressed in this legislation.

The Energy and Commerce Committee amendment will provide us with essential information.

It is an integral component of this bill.

I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on amendment No. 60 reported by the Committee on Energy and Commerce and offered by the gentleman from California [Mr. WAXMAN].

The amendment was agreed to.

AMENDMENT NO. 61 OFFERED BY MR. MCCOLLUM

The CHAIRMAN. Amendment No. 61 is in order at this time.

Does the gentleman from Florida [Mr. McCOLLUM] desire to offer amendment No. 61?

Mr. McCOLLUM. Yes, I do, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 61 offered by Mr. McCOLLUM: Page 90, line 3, strike out "LEGALIZATION" and insert in lieu thereof "REGISTRY".

Page 90, strike out line 4 and all that follows through page 99, line 10.

Page 99, line 12, strike out "302" and insert in lieu thereof "301".

Page 99, strike out line 22 and all that follows through page 102, line 5.

Conform the table of contents accordingly.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] is recognized for 5 minutes in support of his amendment.

Mr. McCOLLUM. Mr. Chairman, this amendment is my amendment to strike the legalization program from this bill in its entirety.

By striking legalization, this bill will become a fairer bill. By striking legalization, we will retain the balance in our legal immigration laws that have historically guided this Nation, and that the American public has a right to expect of us and to demand of us.

We have for years been a beacon of hope to the rest of the world. Our Statue of Liberty has held out its torch, its hope, and its light to thousands and millions of people around the world who want to have the same kind of liberty and opportunity and freedom that we in this great Nation of ours possess and do continue to possess. We need to continue to allow not only that beacon to shine forth to encourage other nations to have democracies and freedom and better economic conditions, but we need always to keep that door open at the front end to allow, through an orderly legal process, a certain number, a reasonable number, of legal immigrants to come into this country every year, as they have been the seed and the foundation of our Nation in its past, as it will be them and their children and generations to come who will be the seed and the foundations of freedom and democracy of our Nation in the future.

But in order to do this, we have to have a responsible control over our borders. We have to regain the control that has been lost in the last few years. We have to have the employer

sanctions that are in this bill. We have to have the speedup of the adjudication process so we do not have a long-time delay in the process of our court determinations and our system determinations regarding those who come here illegally but might be claiming the right to stay under asylum or otherwise. And we have to keep the confidence of the American people in the laws that we have.

By putting legalization in this bill, we have in large measure lost the confidence of the American people in what we are trying to do. While on the one hand they very strongly support the employer sanctions and the efforts to toughen the immigration laws to regain control and to have fair immigration legally into this country, they oppose the idea and the unfairness that is inherent in legalization.

Now, how is legalization in this bill, or amnesty, as it is called, unfair? Well, it is unfair clearly, very unfair, to the millions who have stood in line for years for the opportunity to come to the United States legally, and they are still standing in line all over the world for that opportunity. They are standing in line even from the countries most highly impacted by legalization. And it is a great slap in their face and a cruel hoax that we perpetrate in this bill by giving legalization to those millions who are here already illegally, who have gone against the laws of this Nation, who have not been willing to stand in line, and who are going to be given the opportunity to get American citizenship that is so cherished by those who yearn for it and who would like to come here and should be given the chance to come here legally under our laws.

It is indeed a cruel hoax to those in France, and Italy, and Poland, and Mexico and everywhere else who are standing in line today.

Second, it is very unfair to the American public. It is very unfair to the American public to have legalization for a number of reasons. It is unfair to the American public to have us pass a provision that rewards law-breakers, that tends to breed disrespect for the laws of our Nation. And there certainly is that in this bill today with legalization.

It is also very unfair to the American public to propose on the one hand employer sanctions to toughen the laws, to discourage the magnet that draws people over here for economic reasons and try to seal off our borders and make legal immigration work, and it is very unfair to take the other hand in this same bill and nullify a great deal of that by putting the magnet of legalization in here that will tend to draw thousands and probably millions more across our borders in the hopes that they can somehow fake their way to amnesty to become citizens, or perhaps in the false belief that we will

grant amnesty again, as many other countries have done.

And it is very unfair to the American public to place on them the attendant costs of this legalization program. Not only will it cost millions of dollars to implement the legalization program, but even a conservative estimate by the OMB, our own Federal bureau that is charged with the responsibility to analyze these things, says it will cost in public assistance and education taxpayer dollars on the backs of the American people an additional \$9 billion or \$10 billion—not millions but billions of dollars—over the next few years, and I would dare say that by the time we add in the multiplier effect that has been discussed before on this subject, and many more come across our borders, it will be much greater than that.

Is it any wonder that the American people overwhelmingly oppose legalization? Is it any wonder that such organizations that represent the very pulse of American opinion, the very fabric of our society's history in this area, oppose legalization?

The CHAIRMAN. The time of the gentleman from Florida [Mr. McCOLLUM] has expired.

(By unanimous consent, Mr. McCOLLUM was allowed to proceed for 5 additional minutes.)

Mr. McCOLLUM. Mr. Chairman, is it any wonder that such organizations as the American Legion and the VFW have raised strong, strong objections to legalization while they do support the employer sanctions and other provisions in this bill? Is it any wonder, based on the unfairness inherent in the legalization program, that there are polls that show as recently as the Newsweek poll out this week, the overwhelming majority of the American people oppose amnesty and oppose the provisions in this bill which give it? No, it is not any wonder.

The wonder is that we have had such a distortion of the debate over a period of several years now, of the issue of legalization as a portion of any bill that deals with toughening our immigration laws. That is what is a wonder. That is what is amazing.

What happens now? Let us address a problem now that is raised, or a false problem in my judgment. There are always arguments being made. What happens to those who would, stay here, who would not be legalized—or maybe they would not stay here—the illegals, if you will, who, if we strike legalization under this bill, would remain illegals? Are they going to be massively rounded up and deported? Of course, they are not going to be. The Immigration and Naturalization Service does not have the resources, it does not have the capability, this Congress does not have the will, and the

American people do not want to have it happen. It is not going to happen.

There are going to be a substantial number who remain in this country in illegal status. There always have been people in this country in illegal status, and there always will be, working and toiling in some fashion. There will continue to be some apprehensions by the Border Patrol and by the legal services of INS, but that will diminish as the years go by with the good framework in this bill.

We have, for example, right now a young family in my city of Orlando that is of English descent, and they are being sent back by the INS to England because they came and overstayed their stay here and tried to come in illegally to our country. Every one of us in our congressional districts have had in the past and will have in the future those situations that are heart rending, where people come in hopes they can stay but did not come legally, and they are going to be removed. The difference is massive numbers in this case.

But I do not see massive numbers are going to stay here, and I think the argument that they are is ridiculous. Once employer sanctions are in place, once it is illegal to knowingly hire an illegal, over a period of time gradually, as people lose jobs or they cannot get new jobs, as will occur with this bill in place without legalization and with employer sanctions, there will be a gradual movement back across the borders by the great majority of those who are here illegally, because they came here to get jobs and there will not be jobs.

Now, some will stay, no doubt, but not nearly that number as some would argue. There are mostly people here today for economic reasons, sending money back across the border. They are here as transients anyway. They go back every year, and they would be back readily. In fact, they would probably come back to the United States under the temporary worker program in this bill or the H-2 program in the other body's bill. It is not a logical argument to argue that there is a real problem with respect to the illegals who would remain if it is stricken from this bill.

And what about the fact that there is a registry date in this bill which would capture those who have stayed here longer or were continuously here on or before January 1, 1973? The Attorney General in that case could give them some legal status, as he has traditionally had the powers to do for every registry date in the history of immigration since the beginning of this century to grant them, on a case-by-case basis, a shot at staying here.

And for the true hardship cases, we have provisions in the immigration laws, and where they do not apply, we have bills that will come, that still do

come, and that will come in the future before the Immigration Subcommittee, special bills by Members of this body to alleviate those problems.

□ 1100

So I say to my colleagues that it is nonsense to say to us that there is going to be a tremendous problem if we do not in fact allow for these illegals to stay here.

Now, if I might move on to one other point that has been raised, there are those who say that the legalization amendment I am proposing today to strike legalization would kill this bill. I will tell you what is a killer in this bill. It is the legalization provisions that are here already. There are many, many Members who have spoken to me, a great large number who under no circumstances are going to vote for this bill if legalization stays in it, but who will vote for it if it comes out. That is in fact the will of the American people, as I have described before, in poll after poll and in case after case and that is a very logical position for many to take.

Now, I happen to personally think that employer sanctions and adjudication speedup are so important that I personally do not want to see that happen. I would vote for this bill no matter what, and I would hope that people on the other side if legalization is stricken, who feel strongly about it as I feel strongly about it the other way, would also vote for it; but the facts of life are that I think there are more people in this body, more Members who are going to vote against this bill if legalization stays in than the other way around.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. McCOLLUM was allowed to proceed for 2 additional minutes.)

Mr. McCOLLUM. Now, the fact of the matter is that we have got real problems with balance in this bill, not because of what has been argued in the past on this floor, not because of the question of balancing off employer sanctions. That is a false argument. Employer sanctions in no way from the very beginning of this bill, regardless of anything else that has been said here, discriminate against Hispanics. There is nothing required of us in order to have balance in this bill to appease the Hispanic community in this country, that we put legalization in here and grandfather in millions illegally and do all the things that are unfair to everybody else. There is nothing requiring that in order to have fairness and balance in this bill. It is a very false argument that has been raised and harbored for a number of months and years and, indeed, on the floor of the House for the last few hours of debate.

We have a fair bill that is fair to everybody with employer sanctions, regaining of control of our borders and adjudication speedup. We certainly do not need legalization.

What we need is a balanced control of our borders, a balance of legalization laws to allow us to take folks in in a responsible fashion under the guidance of that beacon of hope and light that has always been out there at the end of the torch of the Statue of Liberty. That is again what the American people overwhelmingly want and that is what this bill will give them if we strike legalization and bring common sense to bear on the bill and allow the important aspects of this bill to the American public and to the world to go forward.

In the name of fairness and the name of doing justice to the American public and to the millions who stand in line waiting to come here legally and the generations to come in the future, I implore you to vote for the McCollum amendment to strike legalization and then to vote for the final passage of this bill.

Mr. RICHARDSON. Mr. Chairman, will my colleague yield?

Mr. McCOLLUM. Yes, I would be glad to yield.

Mr. RICHARDSON. Mr. Chairman, I am a little awe struck by the fact that the gentleman says that in the name of fairness and justice that we proceed with passage of his amendment.

I would like to just, if my colleague bears my indulgence, discuss some of the statistics that he raised both in the Newsweek poll and others.

I notice that the gentleman did not talk about the contributions that immigrants make to the economy, the issue of how much they contribute.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(At the request of Mr. RICHARDSON, and by unanimous consent, Mr. McCOLLUM was allowed to proceed for 5 additional minutes.)

Mr. RICHARDSON. Mr. Chairman, if the gentleman will yield further, there are a number of other statistics that the gentleman said were relevant in connection with how they are a drain on the U.S. economy. I would like to read some of those statistics.

First of all, the gentleman quoted Newsweek. I have the Newsweek poll right in front of me. I think the gentleman is correct. There is support for his provision if you talk about it being a blanket elimination of the amnesty provision. The way the poll is written, those that would like to see the amnesty provision eliminated, 55 percent to 34 percent, I do not consider that an overwhelming majority. That is without the benefit of the Wright amendment.

I would also like to cite to the gentleman two other questions that were asked in the poll that kind of run contradictory to what the gentleman said. In the same poll, Americans were asked, "Do you agree or disagree with the following statement: Many immigrants work hard, often taking jobs that Americans do not want." Eighty percent agree, seventeen percent disagree.

Also, "Immigrants help improve culture with their different cultures and talents." Sixty-one percent agree, twenty-five percent disagree.

In addition to that, I take it that the gentleman considers the Heritage Foundation a reliable source on this issue. Could the gentleman respond to that?

Mr. McCOLLUM. Well, the Heritage Foundation is like a lot of other sources. It has reliability for the most part. I do not know which figures the gentleman is going to throw at me, but I agree they are generally reliable.

Mr. RICHARDSON. I am going to throw at the gentleman a Heritage Foundation study that talks about a lot of the issues the gentleman raised. This is a survey done of 156,000 immigrant households.

The gentleman mentioned the drain on the economy, on welfare and supplemental security, unemployment compensation, food stamps. Let me just say that for the average native-born U.S. family, it received \$498 from these programs on a yearly basis.

The average for immigrant families that arrived between 1950 and 1974 is \$548. There is not that much difference.

Let me talk about retirement programs. Native U.S. families receive on the average \$735 for Social Security, \$167 for Medicare, \$20 for Medicaid, for a total of \$922.

Immigrant families receive a total of \$92 during the first 5 years in the United States, \$227 the second 5 years, \$435 the third 5 years; the total is very similar, \$859 if you add all of them.

In addition to that, let me just cite some other figures that are used in the Heritage Foundation study. These are immigrants and the percentage they get in terms of some of the welfare programs that the gentleman mentioned. On the average, the immigrant family receives free medical care, only 5 percent; unemployment insurance, 4 percent; food stamps, 1 percent; welfare payments, 1 percent; child schooling, 4 percent.

Hardly any illegals receive Social Security, but 77 percent of illegals paid Social Security and 73 percent had Federal income tax withheld.

The gentleman also mentioned some of the opposition from the veterans groups, and I agree there is fear, there is concern.

Did the gentleman know that there are many immigrant sons and daughters that enter the U.S. forces?

Mr. McCOLLUM. Well, if I might reclaim my time, the gentleman misstates the idea here. This gentleman has no problem with immigrants. That is the foundation of our Nation. That is where almost all our ancestors came from. I have no problem with immigrants. Most of them contribute a great deal to society. The recent refugees from Southeast Asia have made us all proud, the Cuban-Americans that have come in, many of the Mexican-Americans, I do not have a problem with immigration or immigrants, but I do have a problem with the illegal immigration we have been condoning and the legalization of those illegals and the sizable numbers that we are going to take in at one time, rewarding lawbreakers in one fell swoop.

There is no hiding the fact that because of these extreme numbers at one time from one particular region of the world, we are going to have at least a \$9 billion to \$10 billion extra cost of public assistance and education now.

There is no question that we have a lot of good immigrants. I want to keep the door open. I just want to do it legally.

As to the Wright amendment, the Wright amendment did very little or nothing with regard to legalization, except to put in a requirement that we have to have them learn a little English, and I agreed with that, and I voted for it, but it did not change the date from January 1982.

Mr. RICHARDSON. But it added another tier, it added two tiers.

Mr. McCOLLUM. It added one extra year of trouble that they have to go through, but all who were here before January 1982 are eligible, so anybody hiding behind the Wright amendment is wrong.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

(At the request of Mr. RICHARDSON, and by unanimous consent, Mr. McCOLLUM was allowed to proceed for 5 additional minutes.)

Mr. RICHARDSON. Mr. Chairman, if my colleague, the gentleman from Florida, will yield further, he also stated, he said that mass deportation is not going to exist. I presume the gentleman also feels that many of these immigrants are not going to leave voluntarily, so I guess the gentleman is saying that the status quo is the best alternative.

Mr. McCOLLUM. Mr. Chairman, If I may reclaim my time, I do not agree with that. The majority of the people who are here illegally today from across the borders that compose the millions—we do not know how many, 3 to 12 million, roughly—the majority of those when employer sanctions are in place, this Member is firmly convinced

are going to voluntarily and from their own free will cross back across the borders. Many of them are going to enter the workplace of the United States again through H-2 programs or through a temporary worker program, but they are going to cross back. I do not accept the gentleman's premise that most are going to stay here. Most of them are going to go back. Some are going to stay and some are always going to be here, even with legalization that is in this bill.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield further?

Mr. McCOLLUM. I will continue to yield.

Mr. RICHARDSON. With all due respect to my colleague, I find it incredible that the gentleman says between 3 and 12 million. What the gentleman is saying, let me get this again, we know that there is no empirical adequate data of how many we have. It is anywhere from 2 to 12 million. There is a 1980 census report that says it is 2 million. That is the official version.

Mr. McCOLLUM. But nobody knows from the census. They did not take that very well.

Mr. RICHARDSON. The gentleman is saying between 2 to 12 million people, that once this bill passes we are going to have a mass exodus of undocumented workers back to their home countries. I want to get for the record, is that what the gentleman is saying?

Mr. McCOLLUM. Well, I want to reclaim my time to spell this out. First of all, it will not happen quickly. There will not be an immediate mass exit. What is going to happen is this. Many of them are going to keep their jobs because it is not illegal for them to be employed if they keep the same jobs they have got now.

□ 1110

Those that do keep those jobs over a period of time, either under the 7-year provision that allows the waiver, triggers the waiver of deportation or under an update of the registry date, if they have not been here long enough now to be captured by January 1973 we will undoubtedly update it again and we should update it again, eventually they are going to be captured and they are going to become American citizens, but there will be a substantial number who will by attrition go back across the border, not all at one time but gradually over a period of time, once employer sanctions are in place because they will not be able to either get another job or a new job.

It is a very fair thing to have happen and it is something that happens even today as many do go back and some of them, as I said earlier, are going to take jobs with employer work programs or with H-2 programs under

this very bill, and come back into the United States at no loss to their families at all.

So I see no problem with my proposition at all.

Mr. GARCIA. Mr. Chairman, will the gentleman from Florida yield?

Mr. McCOLLUM. I yield to the gentleman from New York.

Mr. GARCIA. I appreciate my colleague yielding.

Mr. Chairman, I think we are both sophisticated and smart enough to know that if the gentleman's amendment passes there is no immigration reform.

Mr. McCOLLUM. I disagree with that completely.

Mr. GARCIA. OK. That is a fair assumption on your part. But I will tell the gentleman right here and now that all the editorial support and all the people who have, in terms of the strength of this Nation, who have supported immigration reform, was based on a tradeoff.

Mr. McCOLLUM. Let me reclaim my time just to make one point. The vast majority of the American public does not see it that way. There has been this building block of somehow we have to have legalization that has gotten out from some of the leadership that started this bill and it managed to get into the press ideation and perpetuated there, but it is a false argument that the public supports it.

I will be glad to yield further to the gentleman from New York.

Mr. GARCIA. I thank the gentleman.

Just let me backtrack, if I may. I think there is no question, we had the conversation yesterday with our colleague from Florida, there is no question that people are here illegally. That is a given. I think that is an assumption we all have to make on this floor, that what we are trying to do with this bill is button up all the loopholes and what we are trying to do is give these people who are here dignity and give them a chance to stay.

Then what we are going to try to do is to make it virtually impossible for anybody else to come into the country. Is that a fair assumption?

Mr. McCOLLUM. That is what the gentleman is attempting to do with the legalization program, I think the portion of this that is legalization is wrong but that is what the gentleman is attempting to do with it.

Mr. GARCIA. OK. Now just let me say this; I do not know if it is a good analogy but just let me say: If people, if it is a question of breaking the law, then if you look at the civil rights struggle that we had, and Rosa Parks who rode in front of the bus in Birmingham, that was breaking the law. But that started a chain, a chain reaction which has brought us many gains in civil rights.

What we are hoping to do here is that same chain, to give people dignity, to give them an opportunity to come out of the shadows, to let them walk the streets without looking behind their shoulders constantly.

If we go back to the history and the foundation of this country, there is no question, I am sure many of the British would say that we were constantly breaking the law as it related to the struggles of George Washington and others.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(On request of Mr. GARCIA and by unanimous consent Mr. McCOLLUM was allowed to proceed for 3 additional minutes.)

Mr. GARCIA. Mr. Chairman, will the gentleman yield further?

Mr. McCOLLUM. I yield to the gentleman from New York.

Mr. GARCIA. I guess what I am trying to say, Mr. Chairman, to my colleague from Florida, is, yes, we have a problem, yes it is a serious problem, yes, what we are trying to do after 4 years is to button it up. I am opposed to the legislation because I think the sanctions are too severe. But I will tell my colleague if there is anything that is humane in this bill as far as I am concerned it is the amnesty portion. And by the gentleman's amendment, just stripping it away, and taking it away, I just think that the gentleman would gut the bill and that there would be no dignity for anybody.

Mr. McCOLLUM. If I may reclaim my time, I respect the gentleman's views. He and I have talked many times about this bill. But I do disagree and I disagree strongly because I believe this bill is fair and humane without legalization. I do not believe it mistreats any illegal. There are lots of people in this country today who will not be covered by legalization in some form either because they will not come forward or because they come in too late or whatever. We are going to be walking down this same path a few years from now, if legalization stays in this bill. And I think this is very inhumane to encourage people to come across the borders in the false hopes that they can gain some kind of admission. And then have the problem multiply down the road a few years from now and have the same question come back up again for amnesty. And I think it is inhumane, a cruel hoax and unfair to the millions of people for legalization to go through who are standing in line legally and have already done that.

They are liable to, in many of the close countries near our borders, try to come across to take advantage of it, but many of them who are across the seas cannot come over here illegally, they cannot come in this way, they cannot get grandfathered in and they

have relatives in this country and it is very unfair and inhumane to them.

So I think the gentleman and I have a basic disagreement over what is fair about this whole program. It is not a question of we disagree on wanting to be fair; we all want to be fair. But I think the bill with legalization in it is the unfairness of all to anybody and it cannot stand and be sold to the American public as a fair bill with legalization in it. We need very badly to have that gross, across the board public support of a legal immigration system, and we will not have that if we go through with this bill leaving legalization in it.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I will yield to my colleague from Florida.

(On request of Mr. SHAW and by unanimous consent, Mr. McCOLLUM was allowed to proceed for 5 additional minutes.)

Mr. SHAW. I thank the gentleman from Florida. I would like to compliment the gentleman from Florida on his amendment which is before us. I think we are getting away from the point. I think the real problem with legalization boils down to the practical operation of government, what are we going to do with the people who are here? I think to try to make a parallel between the civil rights movement in this country and the rights of those who are here illegally under the law of this country, is a mistake.

I do not think that there is the question of examining the rights of those people who are here illegally because they have no right to be here. I think the question of how we are going to handle the situation under this new law is a real consideration.

I think that the gentleman in the well [Mr. McCOLLUM] has a viewpoint with a great deal of merit and one that is undoubtedly supported by the majority of the American people. I think regardless of how we go on this particular measure, and I agree with the gentleman that the bill is a good bill with or without amnesty provision, but what we must keep in mind is what is in the best interests of the American people. We are here to represent the American citizens. I think that is our responsibility. That is a responsibility that we must fulfill in voting on the McCollum amendment.

Mr. McCOLLUM. If I could reclaim my time and then I will yield in just a moment, I just want to comment. The gentleman from Florida [Mr. SHAW] makes a good point. The American people are who we are here to serve. I call upon my colleagues as they listen to this debate today, and as they reflect on the things that have been said over a period of time, I call on them to think about the whole, the majority and what is fair for everybody, not

just what might be a little bit fairer for the moment for one group or another group. We have got to think about the whole fabric; the future of this Nation is what is at stake here and it is important that we do pass a strong, tough, new immigration bill, but it is also important that we take out provisions that breed discontent and unfairness and problems, despite the rhetoric that might go contrary to that argument. It just does not hold water.

Mr. MAZZOLI. Mr. Chairman, will the gentleman from Florida yield?

Mr. McCOLLUM. I will be glad to yield to the distinguished chairman who has done a very outstanding job on this bill and I once again wish to commend the gentleman from Kentucky [Mr. MAZZOLI] for his work in bringing us to this point.

Mr. MAZZOLI. May I say to my friend from Florida that of course we would not be here today were it not for the strong support and help and every other kind of assistance from the gentleman from Florida [Mr. McCOLLUM]. He has been a very big help to the gentleman from Kentucky and certainly this gentleman commends the State of Florida for having sent him here.

May I just respectfully suggest to my friend, of course, whose amendment I opposed each time it has been brought up over these last two Congresses and we have had debate on this at four different times in our committee and subcommittee. With respect to the gentleman, the amendment has not carried in those four earlier debates and with further respect to my friend I hope it does not carry today.

Let me say to my friend from Florida [Mr. SHAW] who brought up an interesting point about the education and that the people of America should be heard and should be served, and I fully agree with that.

I think it would be very interesting if it were possible to take a poll today, right today, of those many, many people who have been watching and listening to this via C-SPAN, those who have been reading the print journalists' reports of these proceedings; I may be wrong, but I have the distinct impression that there would be found a kind of an evolutionary movement toward the acceptance of what I consider to be unavoidable reality and that is that you cannot have a balanced immigration program without some form of legalization.

Now, we can argue about the date, it could be 1982 or 1782, but the fact is, which is unavoidable, which has crystal clarity, is that you cannot fail to have something like legalization in a balanced immigration program. And I would suspect and I think the gentleman might help me a moment, by saying that many of us came to this

task 4 years ago saying we could not be for legalization, it is impossible, it is against our basic tenet, it is against our belief of government. But little by little, as we grappled with the subject, both the moral side—and there is a moral dimension—but the practical, pragmatic reality of where you are with these many people here working, actually being productive, we all came to that one moment in time, that one moment at which we had to accept reality and that is that you must have some legalization program.

□ 1120

So I would say that we may well be serving the American people, interestingly enough, by voting down the gentleman's amendment because these American people who have now had this benefit of seven very excellent days of debate, some of the best debate this House has ever given in its history, have now perhaps grasped what the gentleman and I and others and that is that an immigration program, if it is to be workable and fair and decent and effective, will have to be one which has several parts. The gentleman from Kentucky feels that one part of which is legalization.

The CHAIRMAN. The time of the gentleman from Florida [Mr. McCOLLUM] has again expired.

(At the request of Mr. MAZZOLI and by unanimous consent, Mr. McCOLLUM was allowed to proceed for 5 additional minutes.)

Mr. McCOLLUM. Reclaiming my time just for a moment, the gentleman from Kentucky and this gentleman have had a lot of discussions over this and I respect him immensely. We just simply differ on our conclusions as to what is necessary for a balanced and fair immigration reform bill.

I do not think personally, as I have said earlier, that we have to have legalization in this bill. I did not come to that conclusion, as the gentleman from Kentucky did, during the same 4 years we served together on this. I think that those who listen to this debate, I hope this morning many have, will understand where this gentleman is coming from, the rationale that I think motivates most of the American people to believe that while we do need to strengthen our borders and we do need to be fair to everybody, that the unfairest and most imbalanced proposition of all, strangely as it may sound to those who have argued the other way and I know sincerely argued that way, comes not from striking legalization from the bill, but from keeping it. That is the unfairest thing is having legalization in the bill. I think that is a very important point to make and I have made it a couple of times today. It is just unfair to millions who stood in line to come here legally and it is unfair to the American public.

Mr. MAZZOLI. I appreciate the gentleman. He has obviously reached his position carefully and I commend him.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

The gentleman in the well has pointed out so ably and carefully in his presentation earlier that the legislation before us does indeed have and the law has had for many years a form of legalization in it. The registry date provision is the basis for the whole concept of the legalization program that is contained in the bill now. It has developed out of that historical precedent. Only we have expanded it in great degree in the bill that is before us. We have expanded it, I believe, too far. I support the amendment of the gentleman from Florida, who is in the well, because we have simply gotten the concept of this regularization out of focus. We have been arguing here about the numbers of undocumented aliens for days and nobody knows how many there are. But yet we seem to argue there are too many to be dealt with under the procedure that has existed in the law for some time. And the registry date provision updates the date for entry to 1973. No one has even offered a proposal earlier during the legislative process to further update that registry date, relying instead upon a greatly expanded version of the same concept.

But let us not say there is no such thing a legalization in the bill without this particular provision because it is there in the law. It is being updated by this bill. If anyone really wanted to have a regular orderly process of legalization continue in the years ahead and not rush it through in the short space of time, they would have proposed updating that registry date provision further I would think.

Mr. McCOLLUM. If I might reclaim my time, the gentleman makes an excellent point. The registry date is in the bill. It is a form of legalization. But it is not the amnesty that most of the public has come to associate with this bill and the reason they have or for all of the unfair reasons I described earlier about the magnet effect, the cost, the rewards, the slap in the face to those who stood in line and so on, it is the traditional method of legally allowing those people who have somehow escaped our laws to stay here after they become truly entrenched.

I hope that the registry date is modified and changed so that we can have it periodically and regularly updated. It should be. But there ought to be a 10- or 12-year lapse of time, not a January 1982 amnesty that swoops down and taxes in 3 to 12 million at one fell

swoop. That is what is unbalanced about the bill.

I am glad to yield to the distinguished chairman of this committee, who has not only labored on this bill, but many others since 1971. I highly respect the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. I thank the gentleman.

I respect the gentleman's reviews.

I merely would like to remind the gentleman, though, that the Attorney General, who have been talked about since he has immediate jurisdiction over this whole question, that is through the Immigration Service, and would be in a position to suspend deportation, to take care of all of the matters that would adjust status in various cases, after a complete and exhaustive study, came to this conclusion, that a fair legalization program is the only humane and practical response to the existence of millions of illegal aliens in this country.

Does the gentleman disagree with what the Attorney General, who has responsibility in this area and who points out to the Congress, even though in some areas we disagree, but nonetheless in this area he has stated all along that this is the fair and humane response to the question of illegal aliens.

Mr. CHAIRMAN. The time of the gentleman from Florida [Mr. McCOLLUM] has again expired.

(By unanimous consent, Mr. McCOLLUM was allowed to proceed for 3 additional minutes.)

Mr. McCOLLUM. Yes; I do disagree, and I have disagreed for some time with the Attorney General on this point.

What happened, in my view, and the gentleman has had a long history of experience with this and I respect that a great deal, it seems to me that in the early seventies when the gentleman first started working on this, that is beefing up our immigration laws and trying to get control of our borders, employer sanctions was the thrust. And somewhere around 1975 legalization became a part of that package.

Since that time, it has become an accepted part of the formula, so to speak, and it was there when the Attorney General came in. It was there when the press looked at it. It was there when the gentleman from Kentucky became chairman of the subcommittee. It has just not been questioned in a manner which is conducive to a rational and humane and fair outlook, I do not believe in my view, until we have reached this floor. It has just sort of been taken along the way as the opinion that is in vogue that is the correct one. And it is not correct. I challenge that thesis and I do it with having spent a lot of time. I know the gentleman spent a long number of years, but this gentleman has spent a

lot of hours over the last 4 years working with this. There is no legislation since he has been in Congress that he has spent more time with. I believe that my view on this in this case is correct. I know the gentleman disagrees. I respect that disagreement.

I just hope that in the end, after all the debate is done, that again the Members will look at this whole matter from the standpoint of what is fair. I think when they do they will conclude, as I have, that what is fair is to strike legalization from this bill, is to let the American public have the kind of laws and the kinds of things they should have and not give the unfair rewards to lawbreakers, not a slap in the face to millions who have been standing in line for all these years waiting their turn to come here legally and not give the attendant cost and not put the magnet in this bill that legalization does that will draw millions more across the border.

I hope that they will then strike legalization from this bill which is what most of the American public wants.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman and I commend him for an excellent presentation of his point of view.

May I again solicit of the gentleman, he has been totally cooperative, and early in his debate today the gentleman suggested that even if the McCollum amendment is not voted up, in effect, even if legalization remains, the gentleman does intend to vote for the final passage.

Mr. McCOLLUM. I personally will, but unfortunately there are a lot of other Members in this body who are going to vote against this bill if legalization stays. I hope they change their minds, but, on the other hand, I hope those who say if my amendment succeeds, including the gentleman there in the well right now, I hope that they, too, and I hope he will agree to support this bill even if my amendment succeeds. That is the important part.

Mr. MAZZOLI. The gentleman is all too modest. He is part of young leadership in the Republican Party and I think young leadership in the Nation.

□ 1130

I think if the gentleman has reached this point in his evolutionary development of this bill and in his study of the bill that he suggests that a bill, even with legalization, is worth supporting because of the other component parts, then I think that shows leadership on his part, it shows character, it shows fortitude and courage, and I think it is going to affect some others.

Mr. McCOLLUM. And even without legalization, it is worth supporting, but let us strike it.

Mr. FISH. Mr. Chairman, I rise in opposition to the amendment.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, just to advise the gentleman, the gentleman from Wisconsin [Mr. OBEY] has a unanimous-consent request to proceed out of order for 1 minute. I would restore the time to the gentleman if he would yield to the gentleman from Wisconsin for that purpose.

The CHAIRMAN. Does the gentleman from New York [Mr. FISH] yield for that purpose?

Mr. FISH. I yield to the gentleman from Wisconsin for that purpose.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. OBEY] to speak out of order?

There was no objection.

SHERIFF LOUIE GIANOLI OF MARATHON COUNTY, WI, TO BE SWORN IN AS PRESIDENT OF NATIONAL SHERIFFS ASSOCIATION

Mr. OBEY. I thank both gentlemen. I apologize for interrupting the procedures of the House, but I was not able to do this earlier. I simply wanted to take 1 minute to pay tribute to a former opponent of mine, Sheriff Louie Gianoli, from my home county, Marathon County, in Wisconsin, who in about an hour is going to be sworn in as the national president of the National Sheriffs Association. Louie Gianoli has served Marathon County as sheriff for over 20 years. He interrupted that career to run against me in 1964 when I was in the Wisconsin Legislature and resumed his sheriff's position in 1966 and has held that position ever since.

I simply wanted to take the time of the House to note that he will be assuming those duties in about an hour and to wish him well and to say that I am very pleased that Louie is still busy sherifing rather than running against me for either the legislature or Congress.

I thank the gentleman for his time.

(On request of Mr. MAZZOLI and by unanimous consent, Mr. FISH was allowed to proceed for 3 additional minutes.)

Mr. FISH. Mr. Chairman, the author of the pending amendment, recently standing where I am, claimed that legalization would be a magnet for further surreptitious entry into the United States. I challenge this statement.

First, we are not here adopting legalization in a vacuum, but rather it is part of a bill that forecloses future employment opportunities. Legalization is needed for those who have eq-

unities in the United States to enable them to work.

Second, there is a cutoff date in this legislation. In the Senate it is 1980; in the House it is 1982. In conference a final date will be determined. As people come forward for legalization, trained immigration adjudicators and inspectors will determine the eligibility for legalization. I want to emphasize to my colleagues that this is a one-time legalization.

The claim was made that we could handle this through the private bill process. Well, I can assure you, after 11 years on the Immigration Subcommittee, that if I stayed on it I would be the only Member of Congress who did. We would be inundated with hundreds of thousands of private bills on behalf of illegal aliens in the United States who had been here for several years, had American-born children or other equities and were resisting firmly any effort to be deported.

Finally, there really is no humane alternative to legalization. There is no intention to have a roundup. The Immigration Service and the Department of Justice neither have the resources nor the disposition to go into a nationwide search.

On the positive side, legalization helps enforcement. Legalizing some will allow us to concentrate our attention on people with less attachments to the United States and on preventing future illegal entries and visa abuses by limiting access to the work force.

Long-term illegal aliens undoubtedly will fight removal. Having to deal with these people through deportation hearings, possible detention, and judicial review would do nothing but take time and money that could be better directed at other enforcement targets.

Finally, Mr. Chairman, a word about the relationship of legalization to employment. Legalization will have a positive effect on the U.S. labor market. Legalizing workers will permit them to demand equal treatment under the laws governing minimum wages, overtime compensation, and working conditions. Right now the same undocumented aliens contribute to the depression of wages and working conditions, since they fear discovery and eventual deportation.

Mr. Chairman, legalization—approved by the Select Commission on Immigration and Refugee Policy by a vote of 16 to nothing and recommended by our colleagues, Republicans and Democrats—is the only humane response to a problem created by failure of U.S. policy in the past. I urge a no vote on the pending amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are now in the final phases of debating this particular piece of legislation, so I would not only

like to speak to the issue of legalization, but I would also take few moments to make a few comments with respect to the overall piece of legislation. With all due respect to the people who have labored diligently on this legislation, I have stood in diametric opposition to it as it came to the floor of Congress. It was a bad bill to begin with. And it has now become worse.

In explaining that latter comment, I would invoke the comments of my distinguished colleague from California [Mr. ROYBAL], who spoke with respect to the overall legislation before us on last evening, pointing out that it was a bad bill to begin with, but with the defeat of the Hawkins amendment, effective and enforceable sanctions are precluded; with a rejection of the Miller amendment, the H-2 Program will not protect the labor standards of agricultural workers; and with the inclusion of the Panetta amendment, the agricultural industry has been given a free hand to continue to employ and exploit undocumented workers and to their detriment and to the detriment of U.S. domestic workers.

Mr. Chairman, the one major feature in this legislation that is positive is the legalization provision, and it ought to remain in the legislation as presented to the floor of this Congress, and I therefore stand in diametric opposition to the amendment before the body at this moment.

I would like to make a few comments with respect to legalization at this time.

□ 1140

Mr. Chairman, I would like to suggest that the legalization of the exploited subclass of undocumented workers is terribly important not only to those who would be allowed permanent residence, but for the Nation as a whole.

We cannot, practically or morally, embark upon a massive and expensive effort to deport millions of people.

We cannot continue to have an underground society whose people are forced to live in the shadow of the law.

And we cannot afford to have our society continually polarized into ethnic groups who are continually harassed by ethnic groups who, on the one hand, resent them, and on the other hand exploit their underclass status.

Although many Americans are only now becoming aware of the Mexican presence in the United States due to the current controversy over undocumented immigrant workers, Mexicans are no strangers to the history of this country. However, the historical arguments utilized in this debate would lead one to believe that Mexicans, as the largest Hispanic group in the United States, represent very recent arrivals. Yet, Mexicans are indigenous

to the Southwestern region. They predate other ethnic groups to the United States and specifically to the Southwest. Only the Native Americans have more legitimate claims to an indigenous presence.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, the Mexican roots in the Southwest commence in the early Spanish explorations and settlements in what came to be referred to as the upper regions of New Spain encompassing New Mexico, Texas, and California. Here, the Spaniards through conquest and colonization produce a people mixed in race and culture and who evolved with their own particular history.

These people have throughout the years contributed to the wealth of ethnic culture in the United States in general and the Southwest in particular. Despite their economic and cultural contributions, Mexican immigrants faced severe dislocation during the Great Depression. No longer needing their labor and callous to their needs, Southwestern employers dispensed with much Mexican labor and supported the mass deportations of Mexicans from the United States. Almost half a million Mexicans were either deported or repatriated to Mexico during the 1930's. As in earlier recessions, a pattern emerged that argued for cheap Mexican labor during periods of economic growth and its deportation during periods of depression. Mexican-American children of immigrant parents, for example, were illegally deported during the 1930's.

Mr. Chairman, members of the committee, I would like to suggest that the following five points be given careful consideration in the debate on this immigration bill in general and in the discussion of legalization in particular:

First, no discussion of immigration, especially from Mexico, should avoid the particular history of the Southwest or a region once a part of Mexico. This fact is inherent in a long tradition of migration patterns from Mexico to the Southwest and has produced a unique and special relationship between Mexico and the United States. Mexican immigration to the Southwest as well as elsewhere to the United States has deep roots and no piece of legislation will automatically curtail it.

Second, no discussion of the immigration issue should avoid the historical economic relations between the United States and Mexico and the fact that there has been an uneven and unequal economic development between the two nations. The United States, both by its need for cheap labor in

Southwestern industries and by its investment and trade relationships with Mexico has helped produce a massive dislocation of rural Mexicans and their migration to the United States. Immigration from Mexico has never been just Mexico's problem, the United States must assume strong responsibility for having created this migration. Immigration restrictions being discussed today are only dealing with the symptoms of a more fundamental issue rooted in the economic relationship between the United States and Mexico.

Third, it is imperative to always keep in mind in the current debate that Mexican immigrant workers have been historically major contributors to the wealth of the United States rather than liabilities. Mexican immigrant workers have been and continue to be central to the prosperity of the Southwest. This contribution must be acknowledged and the United States must assume a moral responsibility for those who have offered so much to this country.

Fourth, since the current discussion involves the possibility of an accelerated contract-labor system between the United States and Mexico, it should be noted that past contract-labor agreements, especially the brace-ro program, not only led to widespread abuses and exploitation of Mexican contract laborers, but also intensified rather than reduced the flow of undocumented workers. Hence, a discussion of combining immigration restrictions with a labor-contract system is not only contradictory, but more than likely self-defeating.

Fifth, contrary to some impressions, Hispanics in the United States have not been late to the concern over immigration. Neither for ethnic nor emotional reasons have most Mexican-Americans, for example, ever favored an open border. For years, Mexican-Americans, through organizations such as LULAC, have favored immigration controls that are protected, equitable, and that do not violate the human and civil rights of both Mexican nationals and Mexican-Americans. Immigration from countries such as Mexico is not just an economic issue; it is also a human issue and must be dealt with in a humane and moral fashion.

Legalization presents a solution to many of the problems faced by these people of the Southwest as well as Hispanics in general. The arguments in favor of a generous legalization program, without the encumbrances contained in the proposed amendments, are numerous indeed and include the following:

The legitimate claim to an indigenous presence.

Curtailment of human rights violations.

Providing protection of the law for those who continually contribute to the wealth and longevity of this Nation.

Mr. Chairman, I stand in opposition to this legislation. I think it is a bad bill. The amendments that we precluded earlier did not enhance the bill; the Panetta amendment, I think, makes the bill even worse. But the one major feature of this legislation that is indeed positive, is the legalization provision.

I think that we should strike down the amendment before the body; it is absurd to assume that we on practical and moral ground can deport literally hundreds and thousands and thousands of human beings, and for all these reasons I ask the body to reject the amendment.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has again expired.

(On request of Mr. MAZZOLI and by unanimous consent, Mr. DELLUMS was allowed to proceed for 30 additional seconds.)

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman.

Mr. MAZZOLI. I thank the gentleman for yielding to me.

Mr. Chairman, let me salute my friend and colleague. Of course we came to Congress 14 years ago and the gentleman is my chairman on the District of Columbia Committee.

Let me thank the gentleman for his important statement. I, of course, would wish that the gentleman could be for our bill. I think we have tried mightily to yield a good bill but the gentleman has put his finger on it. Obviously, the amendment which is pending is the kind which would seriously unbalance the bill. I am pleased and proud that the gentleman has seized on that reality, and I appreciate his statement today.

Mr. DELLUMS. I thank the gentleman and I yield back the balance of my time.

Mr. EDWARDS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wholeheartedly support legalization and I commend the work done by the gentleman from Kentucky, Mr. MAZZOLI, the members of the Judiciary's Subcommittee on Immigration, and the distinguished chairman of the Judiciary Committee, Mr. RODINO, on this important provision of H.R. 1510.

It is clear to me that we really have only three choices: we can engage in mass deportation of millions of people; we can allow them to stay here and condone their continued exploitation; or we can recognize the reality of the situation and bring them under the protection of our laws.

The undocumented are here. They came illegally. There is no attempt to deny that. This outrages the American sense of justice. But the majority of the undocumented came out of desperation, out of hunger, out of fear. And I appeal to that same sense of American justice to understand the harsh realities that drove the undocumented to break our laws. Here, undocumented workers are able to live; and, they are able to live better lives than many would have dreamed possible in their native countries. But, it is also true that they are our unfortunate underclass in America, at the mercy and the whims of those who would exploit them. I have not heard anyone say that Americans have the heart for mass deportation and I don't believe that we do. The American people also do not desire the exploitation of undocumented. To grant legalization to them is the American thing for us to do here today.

I appeal to each of my colleagues to reject this effort to eliminate the legalization provisions of H.R. 1510. I urge you to defeat this amendment.

Mr. Chairman, I yield to the gentleman from New York [Mr. MOLINARI].

Mr. MOLINARI. I thank the gentleman for yielding. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

There is no doubt that those who support the McCollum amendment have raised some serious concerns, and I can understand those who sincerely believe that the legalization provisions in this legislation should be stricken completely. The argument has been raised time and again that to grant amnesty would be to reward those who have illegally entered this country. They argue further that this would not be fair to the thousands who have been waiting patiently—many for a substantial number of years in various countries—for the day when they could legally enter our country and eventually reach their goal of becoming a U.S. citizen.

If the legislation that we are discussing contained only the legalization provision, I think I would readily support Mr. McCOLLUM and his position. However, we cannot allow that provision to be considered solely by itself. The legalization provision is one of the key points in the compromise bill that took many years to draft.

It has been many decades since we have had immigration reform. The sponsor and many others have repeatedly indicated that this is not a perfect bill, but one shaped over the years as a compromise measure intended to satisfy the majority of the Members so that finally we could add some rationality and sense to our immigration system.

The bill is a balanced piece of legislation which offers legalization on the one hand but also, on the other hand, stricter enforcement provisions to more effectively deal with the enormous problem that now faces the Immigration and Naturalization Service. Through the use of the employer sanctions, a new, important element has been added. No longer will those who have sought to hire the undocumented aliens and exploit them for their own economic benefit be allowed to do so. This type of employer will face increasing penalties and reach the point where the size of the penalties themselves would force the employer to discontinue the practice.

We should remember that this legislation is not one that is inviting millions of people from other countries to come to the United States. We are dealing with people who are already in this country, many of whom have been here for a very substantial period of time. We should be realistic: these individuals are here and most likely they are here to stay.

Were this amendment to pass, I seriously doubt that many of the undocumented aliens would be leaving the country. That is important to consider. Some Members have raised a legitimate question, and that is: How many people can this country absorb without causing severe disruptions in the labor market and to the economy of our country? Again, I repeat that we are dealing, however, with people who are already in this country, many of whom are gainfully employed and paying certain taxes. Those who would qualify under the legalization provisions would be paying more taxes. In so doing, they will be contributing to the coffers of the Government, as they should.

The word "illegal" has been used repeatedly and it is a word that has a very serious connotation. I think that granting this legalization is not a condoning of the illegal entry, but is, rather, a recognition of a problem that exists and is now an important element of our immigration reform effort. Without the legalization provision, how much real reform will the INS be able to implement?

A number of Members have alluded to the fact that we might be setting a precedent and inviting more undocumented aliens to enter the country in the future with the hopes that there would be another legalization granted at some future date. I strongly doubt that Congress would pass another legalization provision in the foreseeable future. It should be clearly understood and a message sent forth that this is a one-shot deal. Again, I emphasize that it is part of a comprehensive package, endorsed by the Attorney General and the Immigration and Naturalization Service. Legalization is not a mechanism to be used by itself, because in

and of itself it will not solve our problems. Yet, in this entire immigration reform package, legalization allows us to achieve some real progress and is, in fact, necessary for us to do so.

I would remind my colleagues that in our discussion of the broader issue of legalization, we might have forgotten some of the specific provisions in this legislation. Only those people who have remained continuously in the United States since before 1982 would be qualified to apply for legalization. Furthermore, all who apply must individually meet INS qualifications in order to be granted temporary-resident status. Somebody who would not, or could not, meet those qualifications does not deserve to obtain a lawful status. Those who do meet these qualifications and willingly come forward, should be welcomed by us as the kind of potential fellow citizens who have, and will continue to, contribute to our country's strength.

As the son of an immigrant who came to this country as a young boy shortly before the turn of the century and eventually held elective office in the New York State Legislature, I am proud to offer my support for the Mazzoli bill and I hope that my colleagues will join me in defeating this amendment which, in my judgment, would effectively destroy the entire fabric of the proposed legislation.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Chairman, let me just salute my friend from New York. I think that is one of the most eloquent and moving statements that the gentleman from Kentucky has heard in this 7 days of high-level debate.

I want to salute the gentleman. I think he obviously has studied the issues carefully. He recognizes that, as the gentleman from Kentucky has tried to establish, that this is a balanced bill. One component part is needed to give balance to the other component parts.

The gentleman has made many contributions to this body already in his short time here, and we thank him. This is perhaps one of his most important contributions.

The CHAIRMAN. The time of the gentleman from California [Mr. EDWARDS] has again expired.

(On request of Mr. MAZZOLI and by unanimous consent, Mr. EDWARDS of California was allowed to proceed for 5 additional minutes.)

Mr. EDWARDS of California. I thank the gentleman from Kentucky for his many courtesies, and I join the chairman in his salute to the gentleman from New York, who made a very eloquent statement.

Mr. Chairman, I have a couple of points to make. One is that there have been cost estimates discussed here on the floor here today, and I think we ought to make it very clear that there are no accurate cost estimates of the legalization program. The cost estimates run anywhere from less than \$4 billion for a 4-year period to OMB's \$13.3 billion for a 4-year period, but there are some politics probably in that second guess, so I would not take it too seriously.

Also, remember that these people who will be legalized, and I certainly hope they will be, are generally younger people who are working, who have a good history of working, and generally would not be a burden on the taxpayer.

Second, it has been mentioned that there are many people in the United States who are against legalization. Of course there are. But I do not think there is anybody here who would vote by a Gallup Poll. We are supposed to do what is decent and best in our judgment, the right thing to do; not necessarily what a certain group of people wants us to do.

It is clear to me on this legalization we have just three choices. We can engage in mass deportation of millions of people, or we can allow them to stay here and condone their continued exploitation, and let me tell my colleagues they are exploited, or we can recognize the reality of the situation and bring them into the protection of our laws.

They are here. The undocumented workers are here. They came illegally. There is no attempt to deny that. This outrages some Americans' sense of justice, all of us, but the majority of the undocumented came out of desperation, out of hunger, out of fear, and I appeal to the same sense of American justice to understand the harsh realities that drove the undocumented to break our laws.

Here undocumented workers are able to live, and they are able to live better lives than many would have dreamed possible in their native countries. But it is also true that they are an unfortunate underclass in America, at the mercy and whims of those who would exploit them.

I have not heard anybody say that Americans have the heart for mass deportation, and I do not believe that we do. The American people do not desire the exploitation of undocumented. To grant legalization to them is the American thing to do, and I appeal to all of my colleagues to reject this idea and to vote against the amendment offered by my friend, the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. Yes, of course, I yield to the gentleman from Florida.

Mr. McCOLLUM. I thank the gentleman for yielding.

Mr. Chairman, I certainly have the greatest respect for my colleague on the Committee on the Judiciary and understand the views that he has expressed, as well as the gentleman from New York, who came to this Congress with me, and I understand the arguments made, but there are a couple of points that I think are real problems in this area in the arguments of those who are opposed to my amendment to strike legalization.

One of them is the idea that there is going to be mass deportation. I think the gentleman in the well has made a good point. He has, I think, pretty well acknowledged what I think is true: There is not going to be any mass deportation, whatever we do with my amendment. We just do not support that. I do not favor it. There is not the capability for it, and so on.

So the issue of what we do with those who stay or do not do with those who stay really falls in the category of whether or not we want to grant the amnesty to them or whether we want them to work within the system for a while, or go into the temporary worker program, or the H-2 Program, or let some of them drift back over the border again.

I think that is really the crux of the debate with respect to the bottom line.

Mr. EDWARDS of California. Let me comment on that particular point, because I respectfully disagree with the gentleman.

The employer-sanction provision in the bill will make it very probable and almost ensure that every time one of them applies for a new job without legalization, we are going to have a deportation or else they are not going to be able to apply for a job. They might own their own home in the name of their children. There might be any kind of a situation.

But I do not see how we can have a bill unless we have both if we are going to have the employer sanction.

Mr. McCOLLUM. If the gentlemen will yield further, the point is, while I understand where the gentleman is coming from on that, I think we will have a certain number who will, of course, lose their jobs, and go back, and so on.

But there is one other point that I would like to make a comment on and that deals with the cost. Yes, I agree with the gentleman; there are no accurate estimates as to how much the cost will be. I personally think the cost of \$9 or \$10 billion is very low, but nobody knows, and that is the problem. There is no accurate idea. This entire process of legalization could cost the American public not only pocketbook dollars, enormous sums,

but just as enormous sums in the multiplier effect and in other ways from doing this so-called one-shot amnesty.

I also disagree with the gentleman from New York, who made the comment that this would be a one-shot amnesty and we could get that message back. Unfortunately, we cannot get that message back. They are going to take it across the border to mean that we are going to do it again no matter what we say. I think there are lots more costs involved than just \$9 or \$10 billion.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. ROYBAL. I thank the gentleman for yielding.

Mr. Chairman, may I say to the gentleman that I agree with him with regard to the cost that is involved. No one really knows. It could be \$4 billion, but the estimate reaches a figure of \$13 billion, which in my opinion is more or less what the cost will be to finance the program.

Mr. EDWARDS of California. Over 4 years.

Mr. ROYBAL. Yes; I would agree with that. But I think that one thing that has to be pointed out is that legalization does not just affect Hispanics. Legalization is for all those individuals who are in the United States without documents, and they come from Germany, they come from Italy, they come from Ireland, from Greece, from all over Western Europe. They, too, will be legalized.

The problem has been that the Department of Immigration has only focused on Hispanics.

The CHAIRMAN. The time of the gentleman from California [Mr. Edwards] has again expired.

(By unanimous consent, Mr. Edwards of California was allowed to proceed for 2 additional minutes.)

Mr. ROYBAL. The Department of Immigration has only focused on Hispanics in the Southwest. They have not gone to Boston, for an example, or to the New England States, or elsewhere where Europeans may live. But the Director of the Department of Immigration stated the other day that in his opinion, and he has no hard facts, but in his opinion, he said, there are an equal amount of people without documents from the Western Hemisphere as there are from Western Europe.

That means, then, if it is an equal amount, that legalization then will affect people who come from all over the world, not just Hispanics.

Mr. RODINO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think we have reached that crucial point in this debate. We have got to determine

whether or not we are going to have a fair and balanced Immigration Reform and Control Act.

□ 1200

I would like to point out a little history. Legalization is not a concept of those of us who would just willy-nilly open the floodgates to people who have violated the law.

Let me go back a little bit. A number of years ago, when I first conceived the idea of employer sanctions, I did so with one purpose and one thought in mind, and that was because I saw undocumented workers being brought into the country, being used by employers who had contracted for them and being misused and exploited by them. We found that their numbers grew and grew because, while the Immigration Service did attempt to prevent their entry or ferret them out after entry, nonetheless they were never able to do so effectively. These individuals were coming across the border seeking a job opportunity because they wanted to live a decent life.

As a result, I conceived the idea of providing for employer sanctions to serve as a disincentive to that poor unfortunate who thought that he could come here and find a job opportunity.

We sought to have employer sanctions so that these poor unfortunates would not feel that it was going to be easy to be able to come here and find instead an existence in a shadow society where they would be exploited. But we never did adopt employer sanctions. We never took the adequate measures that needed to be taken. We knew that there was no way that we could put a wall across that border and keep those poor unfortunates out of this country.

We have seen the result of our failure to act then. I believe had we acted then with employer sanctions, as we have acted now, that disincentive would have been such that the illegal alien population would not have grown as it has grown now. I do not mean to say that I had a crystal ball, but I forecast back in 1971 and 1972 that the numbers would grow and grow unless we took action.

As one who has always sought to be humane to all people, I recognized that while employer sanctions might have been offensive to some people, they would have the effect of saying to the poor unfortunate, "Look, don't think you are going to be able to come here without being found out," and to the employer that, "You will not be able to induce these people to come here illegally."

We failed to act then, and our failure to act has resulted in a continued growth of the undocumented population.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. RODINO] has expired.

(By unanimous consent, Mr. RODINO was allowed to proceed for 5 additional minutes.)

Mr. RODINO. Mr. Chairman, our failure to act then in a manner that would respond to the problem that we were confronted with then has permitted this population to grow. That is why the number that was estimated back in 1970 to be about 1 million has probably grown to 5 or 6 million.

As a result, these people are here now living in that shadow society, a subculture. Notwithstanding the fact that they live in fear of apprehension, that they may be deported, that they may be uprooted, nonetheless all of the data and the research show that they are law-abiding citizens who pay their taxes, pay into Social Security, which they will never be able to recover, and do all those things which we would expect law-abiding citizens to do.

Those people are living in constant fear, and their children also live in fear. I found cases where their children are afraid to go to school because they know their parents are undocumented aliens.

This is the reason why, Mr. Chairman, I say to the members of this committee that legalization is an essential adjunct to employer sanctions. If we legalize, we will be doing that humane and decent thing that this country is known for.

Let us ask ourselves this question: Are we going to allow these people to remain here in a "sub rosa" society knowing that the conditions are such as I have recounted. Anyone who has studied the question and knows the facts, knows that they are subjected to exploitation, will support legalization as the only humane and practical solution to a most difficult problem. Knowing all of this, are we going to sit idly by and say to each one that they must come forward and apply for suspension of deportation which is a limited form of relief already in the immigration law?

□ 1210

Or will we do what America has been proud to do whenever there has been an intolerable condition that existed that cried out for action?

Will we extend a hand to them in all decency and humanity and say, "You may remain here?"

I say, Mr. Chairman, that unless we have legalization with employer sanctions, we will have no Immigration Reform and Control Act. Without legalization this gentleman could not support it.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(At the request of Mr. McCOLLUM, and by unanimous consent, Mr. RODINO was allowed to proceed for 2 additional minutes.)

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. McCOLLUM. Mr. Chairman, the gentleman knows from my previous comments on many other occasions how much I respect his leadership on the Judiciary Committee and how much I respect the emotion and the feeling and the time that the gentleman has put into this issue. I really regret I have to disagree with him on the issue that we are here on, but that is what makes the committee and that is what makes Congress.

It occurs to this Member in listening to the chairman's discussion of the history of the bill that back in the early days in the seventies when employer sanctions were passed by the House, but not approved by the Senate, and as the chairman so rightly pointed out, if we had adopted those then, we would not have all these illegals here today, the legalization idea was not in the bill at that point in time.

Mr. RODINO. It was not, because at that time I felt that employer sanctions would have taken care of the problem that existed then. The numbers were small. There were not the numbers that there are now.

Mr. McCOLLUM. Well, what bothers this Member, Mr. Chairman, if the gentleman will continue to yield, is the fact that it seems as though the chairman considered it then less humane to have legalization then than now, that because we have more numbers, the chairman looks at this as a humane thing, that it is more humane now, when back then, the same thing would have happened. There would have been substantial numbers, though not as large as now, who, under employer sanctions alone being adopted with no legalization, would have gone back across the borders voluntarily and some would have stayed here and been captured. It seems to me to this Member that it is just a matter of numbers, that back then, the gentleman was really of the same opinion this gentleman is and now he has changed strictly because of larger numbers. It does not seem to this gentleman that it is any more or less humane, regardless of the numbers.

Mr. RODINO. Will the gentleman please listen to what I said?

Mr. McCOLLUM. Be glad to.

Mr. RODINO. I said that employer sanctions, if applied then, would have been a major disincentive. Because we did not adopt employer sanctions, we then allowed, as I see it, a vast number of additional people to continue to come into the country.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

(At the request of Mr. McCOLLUM, and by unanimous consent, Mr. RODINO was allowed to proceed for 1 additional minute.)

Mr. RODINO. I am saying, Mr. Chairman, that we failed to do the one thing that was necessary to provide the disincentive to those people who continued to stream in after that.

Mr. McCOLLUM. Mr. Chairman, if the gentleman will yield one more time, I agree. That was the fact of the case then. I wish we had done what the gentleman had wanted then. We did not, but I see no difference now than then on the legalization question.

We still today, as we would have then with employer sanctions alone, have people going back. We will still have a few people in limbo and we have a lot of the system that exists.

So I think there is a perfect argument from the gentleman's history for striking legalization, but I do understand where the gentleman is coming from. I have understood his point. I just respectfully disagree with the bottom line.

I appreciate very much the gentleman yielding to me.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(At the request of Mr. DAUB, and by unanimous consent, Mr. RODINO was allowed to proceed for 2 additional minutes.)

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. DAUB. Mr. Chairman, will the distinguished chairman comment on this gentleman's feeling, that without limitation on the out numbers, if blanket or general legalization occurs, amnesty or whatever one wishes to describe it, and we do not have—and the gentleman knows my concern about this—and we do not have the numbers of limitation in total preferences or total relative status numbers limited in this bill or in the conference, does not the gentleman's argument then make even more sense, that because we should have acted and we did not, now trying to close the barn door after everybody is out means that in fact maybe we ought to retrench and say that we are not going to encourage additional numbers in the outyears and we are not going to allow general amnesty?

Mr. RODINO. I would respond to the gentleman this way. I hope it has been made clear that I believe that our failure to act at that time allowed these people to come in. We failed to act. These people are here. As difficult as it may be to comprehend, because we failed to take effective measures

then we must deal with these people now. As I have assured the gentleman, I think that once sanctions and legalization are in place, then a review of legal immigration is necessary and essential.

Mr. DAUB. Well, if the gentleman will yield one more time, I would appreciate it if the gentleman would tell the Members of this body if he could find himself in agreement with some mechanism that will limit those out numbers.

Mr. RODINO. I stated to the gentleman I think in previous colloquies that we are going to be looking for that mechanism.

Mr. LUNGREN. Mr. Chairman, I ask unanimous consent that debate on this amendment cease at 2:20.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. McCOLLUM. Reserving the right to object, Mr. Chairman, is it my understanding the situation the gentleman is describing would allow any Member here to come in and we would just proceed under the 5-minute rule, so we are not foreclosing Members who would come over here or otherwise?

Mr. LUNGREN. It is my understanding from conversation with the Chair that this means we would proceed under the 5-minute rule. We would just have a time limit. It would not be limited to the Members who are now standing.

Mr. McCOLLUM. And it would end at 2:15 under the gentleman's proposal?

Mr. LUNGREN. 2:20.

Mr. McCOLLUM. 2:20 under the gentleman's proposal?

Mr. LUNGREN. That is correct.

Mr. McCOLLUM. Mr. Chairman, I would not object under those circumstances and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. LUNGREN]?

Mr. DAUB. Reserving the right to object, Mr. Chairman, if I might just enter into a brief colloquy with the proposer of the limitation, I believe that if Members are by this particular colloquy put on notice that we do want to proceed in an orderly way, because many of these subjects have been discussed before, that some limitation in time may be in order.

May I ask the gentleman to withdraw his request at this point in time, for the judgment of whether or not time limitations occur I think ought to be struck in about an hour. There are many of us who are not members of the committee who feel with the numbers of the committee still standing, that a limitation of 2:15 or 2:30 might force allocation of time at a point closer to that deadline.

I might engage in the willingness to not object at a point in just a few more minutes; but otherwise, I am going to object if that is not the case.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield to me under his reservation?

Mr. DAUB. I would be happy to yield to the gentleman under my reservation.

Mr. MAZZOLI. Mr. Chairman, I think the gentleman for his observation.

The gentleman from Kentucky has not taken time to this point because I wanted all the Members to have time. The gentleman from California has not taken time to this point.

I must say that we are in need of moving the bill ahead. I think people recognize that. We had every possible deference from the leadership on consuming even this part of the day, which had not been anticipated.

There is, of course, a commitment tonight that many of the Members are involved with which is not negotiable, as they say. It is a nonnegotiable demand.

We are at 12:20. It does seem to me that we would be very near having to move something if we cannot get general agreement.

I would ask my friend, the gentleman from Nebraska, if he understands that the idea is to have free and open debate, but at the same time there has got to be some framework around it.

Mr. DAUB. Continuing under my reservation, Mr. Chairman, I appreciate the distinguished subcommittee chairman's point.

This is the central question, the most important question in this whole bill and I believe that at this point in time we are making progress and would ask those in responsible leadership on the floor management of this bill to entertain the thought that another hour or so will give us a good idea about whether we should proceed much longer without a limitation of time.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield under his reservation?

Mr. DAUB. I will yield.

Mr. LUNGREN. My point is that we have debated much of this on my amendment and on the amendment of the gentleman from Florida yesterday. We had 4 or 5 hours on this question yesterday.

I waited until we were an hour and a half through. We had an understanding with our colleagues that we would perhaps spend 2 hours on this. I would guarantee that we would spend 3½ total hours on it.

I will renew my request. If there is objection, I hope they will object, because I will then move it, but I will move it at 2:30 because I know we need time to get over this vote.

□ 1220

Mr. DAUB. Let me continue under my reservation before the gentleman may have an opportunity to do so, saying that many noncommittee members, although I certainly am not one to stand on this argument, since I was able to get my time, have waited and not participated in this general debate so that this amendment could be brought to the floor.

Mr. LUNGREN. Mr. Chairman, I would renew my request that debate on this amendment, by unanimous consent, be limited to 2:20 p.m.

Mr. HUCKABY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. LUNGREN. Mr. Chairman, I move that debate on this amendment be limited to 2:30 p.m.

The CHAIRMAN. The question is on the motion offered by the gentleman from California [Mr. LUNGREN].

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LUNGREN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 169, not voting 19, as follows:

[Roll No. 248]

AYES—245

Albosta	Crockett	Harkin
Alexander	D'Amours	Hartnett
Andrews (NC)	Daniel	Hatcher
Andrews (TX)	Dannemeyer	Hefner
Annunzio	Darden	Heftel
Anthony	Daschle	Hightower
Applegate	Davis	Hiler
Aspin	Derrick	Hillis
AuCoin	Dickinson	Holt
Barnes	Dicks	Horton
Bateman	Donnelly	Howard
Bates	Dorgan	Hoyer
Bedell	Dowdy	Hughes
Beilenson	Downey	Hutto
Bennett	Duncan	Hyde
Bereuter	Durbin	Ireland
Berman	Dwyer	Jeffords
Bevill	Dyson	Jenkins
Biaggi	Eckart	Jones (NC)
Bilirakis	Edgar	Jones (OK)
Bliley	Edwards (AL)	Jones (TN)
Boland	Erdreich	Kaptur
Boner	Erlenborn	Kastenmeier
Bonior	Fascell	Kennelly
Borski	Ferraro	Kolter
Bosco	Fish	Kostmayer
Boucher	Florio	LaFalce
Breaux	Foglietta	Lantos
Britt	Foley	Latta
Brooks	Frank	Lehman (FL)
Broyhill	Frost	Lent
Bryant	Fuqua	Lipinski
Byron	Garcia	Livingston
Carper	Gaydos	Long (LA)
Chappell	Gephardt	Long (MD)
Chappie	Gibbons	Lott
Cheney	Gingrich	Lowery (CA)
Clarke	Glickman	Luken
Clinger	Gore	Lundine
Coats	Gradison	Lungren
Coelho	Green	Mack
Collins	Gregg	Madigan
Conable	Guarini	Markey
Conte	Gunderson	Marriott
Cooper	Hall (OH)	Martin (NC)
Corcoran	Hamilton	Mavroules
Coyne	Hansen (UT)	Mazzoli

McCandless	Quillen	Spratt
McCloskey	Rahall	St Germain
McCurdy	Rangel	Staggers
McDade	Ray	Stangeland
McHugh	Reid	Stratton
McKinney	Roberts	Studds
Michel	Robinson	Sundquist
Minish	Rodino	Swift
Mitchell	Roe	Synar
Moakley	Rogers	Tallon
Mollohan	Rose	Taylor
Montgomery	Rostenkowski	Thomas (GA)
Moody	Roth	Torricelli
Mrazek	Rowland	Traxler
Murphy	Rudd	Udall
Murtha	Russo	Valentine
Myers	Sabo	Watkins
Natcher	Scheuer	Waxman
Nelson	Schulze	Weaver
Nielson	Schumer	Weber
Nowak	Seiberling	Whitehurst
Obey	Sharp	Whitley
Olin	Shaw	Whittaker
Oxley	Shuster	Whitten
Packard	Sikorski	Williams (OH)
Parris	Simon	Wilson
Patterson	Sisisky	Winn
Pease	Skelton	Wolpe
Penny	Slatery	Wortley
Pepper	Smith (FL)	Wright
Perkins	Smith (IA)	Wyden
Pickle	Smith (NE)	Wyllie
Price	Smith (NJ)	Yatron
Pritchard	Snyder	Young (MO)
Pursell	Solarz	

NOES—169

Ackerman	Hall (IN)	Oberstar
Addabbo	Hall, Ralph	Ortiz
Akaka	Hall, Sam	Ottinger
Anderson	Hammerschmidt	Owens
Archer	Hance	Panetta
Badham	Hawkins	Pashayan
Barnard	Hayes	Patman
Bartlett	Hertel	Paul
Bethune	Hopkins	Petri
Boggs	Hubbard	Porter
Bonker	Huckaby	Ratchford
Boxer	Hunter	Regula
Broomfield	Jacobs	Richardson
Brown (CO)	Johnson	Ridge
Burton (CA)	Kasich	Rinaldo
Burton (IN)	Kazen	Ritter
Campbell	Kemp	Roemer
Carney	Kildee	Roybal
Carr	Kindness	Savage
Chandler	Kleczka	Sawyer
Clay	Kogovsek	Schaefer
Coleman (MO)	Kramer	Schneider
Coleman (TX)	Lagomarsino	Schroeder
Conyers	Leach	Shelby
Coughlin	Leath	Shumway
Courter	Lehman (CA)	Siljander
Craig	Leland	Skeen
Crane, Daniel	Levin	Smith, Denny
Crane, Philip	Levine	Smith, Robert
Daub	Levitas	Snowe
de la Garza	Lewis (CA)	Solomon
Dellums	Lewis (FL)	Spence
DeWine	Lloyd	Stark
Dixon	Loeffler	Stenholm
Dreier	Lowry (WA)	Stokes
Dymally	Lujan	Stump
Early	MacKay	Tauke
Edwards (CA)	Marlenee	Tauzin
Edwards (OK)	Martin (IL)	Thomas (CA)
Emerson	Martin (NY)	Torres
English	Martinez	Vander Jagt
Evans (IA)	McCain	Vandergriff
Evans (IL)	McCollum	Vento
Fazio	McEwen	Volkmer
Feighan	McGrath	Vucanovich
Fiedler	McKernan	Walgren
Fields	McNulty	Walker
Ford (TN)	Mica	Weiss
Fowler	Miller (OH)	Wheat
Franklin	Mineta	Wirth
Frenzel	Molinari	Wise
Gejdenson	Moore	Wolf
Gekas	Moorhead	Yates
Gillman	Morrison (CT)	Young (AK)
Gonzalez	Morrison (WA)	Zschau
Gramm	Nichols	
Gray	Oakar	

NOT VOTING—19

Boehlert	Harrison	Sensenbrenner
Brown (CA)	Matsui	Shannon
Dingell	Mikulski	Towns
Flippo	Miller (CA)	Williams (MT)
Ford (MI)	Neal	Young (FL)
Goodling	O'Brien	
Hansen (ID)	Roukema	

□ 1240

Mrs. MARTIN of Illinois, Mr. DYMALLY, and Mr. HAYES changed their votes from "aye" to "no."

So the motion was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would like to make an announcement. The time will be divided between the gentleman from Kentucky [Mr. MAZZOLI] and the gentleman from Florida [Mr. McCOLLUM], who will yield the time. The time will be equally divided.

The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

PARLIAMENTARY INQUIRY

Mr. MAZZOLI. Mr. Chairman, may the gentleman from Kentucky propound a parliamentary inquiry, and that is: Does the gentleman from Kentucky control 1 hour of time, Mr. Chairman?

The CHAIRMAN. The gentleman from Kentucky [Mr. MAZZOLI] controls 55 minutes.

Mr. MAZZOLI. I thank the Chair.

Mr. Chairman, I yield 5 minutes to my friend, the gentleman from Michigan [Mr. SAWYER].

Mr. SAWYER. I thank the gentleman for yielding.

Mr. Chairman, this has been the one aspect of this bill with which I have had the most trouble, the legalization provision. And it is just as difficult for me to disagree, really, with the gentleman from Florida, who offers the amendment, as it is for me to agree with him. I have had great difficulty with the legalization proposed and I am sure I have vacillated during the committee debates one way and the other on it.

The great faults with the legalization, as I see it, are those enumerated by the gentleman from Florida, namely, it is very unfair to those who have waited in line for visas in other countries, who have relatives here and who have abided by our laws, whereas this legalization provision, in effect, favors those who took the law in their own hands and violated it.

Second, we have no idea with how many people we are dealing. And if something like 8 or 10 million people come forward, I do not know how in the name of Heaven anyone is going to possibly handle those numbers and process them and determine whether or not they have been here from January 1, 1982.

And, third, legalization rewards those who have violated our law.

Now, on the other hand, if you do not go through the legalization process and impose employer sanctions, you are going to have worse than the present underclass left. You are going to have an underclass that cannot change jobs. The employers will, in effect, own them because they will not have the option of moving to another job if they do not like the one that they have, because of employer sanctions. Although the sanctions are not as good as I would like to have seen them, they will have some effect and prohibit getting a new job if you leave the one you have so you in effect would create worse than an underclass, a class in bondage.

So, taking the whole thing on balance, I have come down to the difficult choice that I am going to oppose the McCollum amendment, although I thought he did an extremely articulate and effective job in presenting it and hit all of the sensitive nerves I have on the same subject. But I just feel that the overwhelming need here is to get rid of this underclass of people that we have who are illegal. If we do not, with the employer sanctions, we make it worse than an underclass, they are bound by bondage to the jobs they have and cannot change because they cannot get another job.

Having said that, I think there are two things about this bill that I do not like, although I intend to vote for the bill. First, I think the employer sanctions are far too weak. I see no excuse for a 6-month educational period. We do not do that on any new criminal law we adopt, and this is certainly quasi-criminal. Why they have to have a 6-month educational period when we do not give them that under any other law I do not know. And then why do we give them a free bite; namely, that they can get caught knowingly hiring one illegal alien with no penalty but a warning? I would feel much more comfortable about this bill if that was tightened up and we did not give a free bite and did not have the delay. Second, I would feel more comfortable if we made the legalization date the same date the bill became effective so that we did not leave a class of 2½ years' worth of illegal immigrants. These illegal aliens left will be bound to the jobs they have with no ability whatever to leave them no matter what the conditions or no matter what the abuses because they cannot get another job.

So with those reservations; namely, the legalization date being too far back, as opposed to being too far forward, and the employer sanctions being too lax, I feel I can support the bill, and with reluctance and with sensitivity I oppose the amendment.

Mr. McCOLLUM. Mr. Chairman, I want to say, taking for myself 1 minute, if I might, that I certainly be-

lieve that the gentleman from Michigan, for whom I have the greatest respect, has expressed his great concerns today. He only omitted one option that those people have. He should have mentioned what I think is a very real option with respect to those who are in fact going to be affected by employer sanctions. When they will no longer be able to get a job they can all go back home again where they came from. I think that is an exceedingly important point. It is allowed, it is permitted, and it is in fact what probably will and should happen.

Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. HANCE].

Mr. HANCE. Mr. Chairman and Members of the body, I think that this amendment is an excellent amendment, and I think that there is no doubt this is going to be the key vote on this bill. I certainly have compassion for undocumented workers, and I feel sorry for them. This has been a generous society, but we have to consider more than just the undocumented workers. We have to consider the person who is a citizen of this country who is losing his job. This is a jobs bill, and anyone who tries to avoid that fact, when you go home your people are going to point out to you that it is a jobs bill.

Now, we have had a lot of experts testify about this bill for the last 4 years. I would like to ask you to do this: You go home, go to the coffee shop in some town, and ask them: "Ladies and gentlemen, how many of you think we should grant amnesty to illegal aliens?" Now, I do not think you are going to get overwhelming support for amnesty at that point in time.

Now, on the other hand, you say, "What about the undocumented workers who were here? What happens to them?"

Even if this amendment passes, there are still remedies for the undocumented worker. The registry program will be updated to 1973 from 1948. They are not put in a situation where they have no remedy whatsoever. The registry program is updated and it is looked at on a case by case basis.

□ 1250

I think the key in this is we talk about doing what is humane. We have to look at the people that we represent first, and those are the constituents that we represent and the citizens of this country. You can talk about undocumented workers, you can talk about amnesty; it really does not matter what you call it. You can call it legalization, you can call it amnesty, you can call it a pardon, you can call it clemency; anything you want to. But it still is not accepted by the public.

The public is opposed to amnesty for illegal aliens.

Now the public will get mad about this after it goes into effect. I do not want anyone to leave today thinking that this is going to be an easy issue, because if you have an opponent with an IQ above 40, I guarantee you are going to hear about this issue again. There is just no doubt about it. I think that anyone that believes that this is all going to be cured today, they just have to wait until the bill goes totally into effect.

I would urge each of you to vote for the gentleman from Florida's amendment, vote for the McCollum amendment. I think this is the key vote on this bill and I think the entire country is going to be watching. They may not be watching today; but they will be watching over the next year, and this is a jobs issue. It is a jobs bill. I am for protecting jobs for American citizens first.

Mr. Chairman, I yield back the balance of my time to the gentleman from Florida.

The CHAIRMAN. The gentleman has consumed 3 minutes.

Mr. MAZZOLI. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I would first make a comment that after 6 months of wrangling in his Chamber about where the cameras are panning and who is calling who names, it is wonderful to be able to come down the floor of this House and debate constructively an issue that is important for all of us, and that is due in large part to DAN LUNGREN and RON MAZZOLI, as well as the chairman, Mr. NATCHER, from Kentucky. I think that this will help to rehabilitate the House after 4 or 5 months of, I think, nonsense that has been going out on the airwaves to America.

You have all heard the song "Love and Marriage." At the end of the song it says you "can't have one without the other." Now, I am not telling you that employer sanctions and legalization are like love and marriage. But it is true that you cannot have one without the other. Employer sanctions and legalization are the two pedestals under which this bill is based. If you want to see this bill defeated, vote for the McCollum amendment.

Mr. HANCE asked how many people in the coffee shop you ask would want amnesty or legalization. Very few. That is probably true. But if you ask the question of people in the coffee shop "How many of you want to see a fair and responsible immigration bill in which we try to prevent millions of illegal aliens from coming into this country every year?" A substantial majority, if not all of them, would also say "yes." I say to those of you in this Chamber and those of you who are

watching, that if you want to see us pass an immigration bill in America, you will not vote for the McCollum amendment. In my judgment, a vote for the McCollum amendment is a vote to kill immigration reform.

One final thing is that a case-by-case legalization envisioned under this bill is important socially and culturally. We have created in this country a permanent subculture with no legitimacy whatsoever. Mr. SAWYER referred to people in bondage; I do not think it is that bad. But we have a growing number of people, millions of people who are alienated people who are not part of any culture. Twenty or thirty years from now, if nothing is done, we could see 30 or 40 million people in this country that are not citizens of this country who are here under no particular identity. That spells very serious political problems for the United States. I am not saying we face a revolution like they do in Central America, but it is something that we should consider at the same time we deal with the legalization question.

I would urge my colleagues: If you want to pass an immigration bill, vote against the McCollum amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. DAUB].

Mr. DAUB. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to, of course, compliment the work that you have done; I want to compliment the work that has been done by the ranking members in both of our parties, that have handled this bill. I particularly want to pay my respects to the gentleman from Florida [Mr. McCollum] for it is his amendment, and his alone, which stands before us as the central issue in what I said when I took this well early in the debate would be one of the rare, philosophical and historic debates that this Congress will have had in all of its history. For the gentleman's courage, for his wisdom and insight, I salute him and all of his colleagues must do likewise in my opinion.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida [Mr. McCollum]. It should be pointed out that this amendment does offer us an alternative, contrary to what some may say about it jeopardizing the bill's chances. While some Members may oppose the bill without its present legalization provisions, a number of Members, including the gentleman in the well may feel compelled to oppose the bill if the legalization provisions remain unchanged.

I am unswayed by the argument that employer sanctions, in and of themselves, are unacceptable. Although this body may have previously debated employer sanctions, the cur-

rent mood of the American public calls for immigration control, not amnesty. Employer sanctions remove the incentive for undocumented aliens to come to this country, if enforced.

I am also not convinced that all who are presently here illegally will stay once the incentive of a job is removed. Therefore, we have no way of judging the extent to which amnesty will be needed after the implementation and enforcement of employer sanctions occurs. While legalization may be humanitarian to those who would qualify for it, it is a means and not an end to our undocumented alien problem, and does not solve the fundamental problem. That fundamental problem is the enforcement of our country's laws which we seem today in this debate to be neglecting.

On the other hand, through the bill's legalization provisions, we are changing the law simply because we cannot enforce it. On the other hand, we are saying that employer sanctions cannot be effectively enforced. If this body cannot have the integrity to respect and defend the laws we pass, what is our purpose? The McCollum amendment provides a solution to those undocumented aliens who have begun to work and begun to contribute and are enculturated members of our society, but unlike the legalization program, it does not give a slap in the face to those who respect our laws and have waited outside our borders for that opportunity to come here legally.

It is the humane and wise decision that you will make if you support the McCollum amendment. As I have said in this debate, the outnumbers, because the committee's majority has refused to limit those numbers, are staggering and their economic consequences suffocating to what this goose we have that lays the golden egg must offer to those poor, those tired, those huddled masses yearning to be free.

I thank the gentleman again for his courage and insight and for giving me a portion of his time to contribute to such a momentous occurrence which will be shortly upon us and that is a vote on the central issue that is contained in this great debate.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. DAUB. I yield to the gentleman.

Mr. McCOLLUM. I want to compliment the gentleman for all of the fine things that he has been able to present during this debate, not only during the debate on this amendment, but throughout the debate from time to time. I think he has done a fine job of letting his colleagues know some of the wisdom of his experience as an immigration attorney before he came here, and a lot of the time that he has spent working and analyzing this legislation, particularly the area of legal immigration. The impact of the problems of this bill on that, and I think

the gentleman has made a major contribution. I would compliment him on it.

I would like to point out again his point he made the other day: There could be 70 million more people come in after granting legalization if we do not do something about this. The attendant multiplier effect is far greater if we have legalization than has been imagined up to now. The laws in their current state just are not designed to deal with that. So it is a very forceful argument, why under the circumstances with the registry date as a safety valve, as the gentleman points out, we ought to strike legalization and allow the rest of the bill to go forward.

□ 1300

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. DAUB. I would be happy to yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Chairman, I want to salute the gentleman, as my friend from Florida has, for making a major contribution to this debate. Despite the fact that the gentleman does not serve on the subcommittee or the full committee, the gentleman has a virtually encyclopedic knowledge of the subject and has been able to shed light and insight on this subject throughout these 7 days.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. DAUB] has expired.

Mr. MAZZOLI. Mr. Chairman, at this time I yield 3 minutes to the distinguished gentleman from New York [Mr. WEISS].

Mr. WEISS. I want to, at the outset, thank my friend, the gentleman from Kentucky, the distinguished chairman of the subcommittee, for yielding this time to me and for his unfailing courtesy throughout this entire debate.

I want to compliment you, Mr. Chairman, for the manner in which you have conducted not only the debate on this particular measure, but for your general conduct, which I think enhances all of us who are Members of the House of Representatives.

Mr. Chairman, of course, I rise in opposition to the amendment offered by the gentleman from Florida [Mr. McCOLLUM]. I think its adoption really would send the worst possible signals about what we are as a society. So I would hope that the amendment would not be adopted.

At the same time, I want to commend the gentleman from Florida because he has had the forthrightness to offer the amendment in its baldest and barest form. He has not attempted to disguise the amendment so that it would be a wolf traveling in sheep's clothing, as have some of the other

amendments which were offered which were not adopted, and one which was offered which was adopted which will have, in essence, very much the same effect as the amendment that is currently pending before us.

If, in fact, the intention of this bill is to bring millions of people without proper documentation who arrive in this country illegally, or who remained here illegally, out of the shadows, then it seems to me that the provisions already adopted will make sure that they will not risk climbing out of those shadows. In their judgment the consequences may well be to cause their deportation.

We have, over the course of our history, done some things regarding immigration policy which in retrospect certainly cannot make us proud. We have often forgotten that the reason that people came to this country was not because they were making a choice between good and better, almost invariably, they have come, whether legally or illegally because conditions in their native land had become impossible, either because of hunger, or discrimination, or oppression, or war.

That is the situation that prevails today and we can pass all the restrictive provisions that we want; the fact is that people will continue to risk their lives because the chances for survival are better if they come than if they stay where they are.

It seems to me that if we really want to do something positive, to reduce massive immigration we ought to start taking those steps which make people's lives better in their native lands; that we give them the opportunity to live in peace, provide for their families, and to educate their children. That is the way to provide the conditions for a decent immigration policy.

Mr. McCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. I thank the gentleman from Florida for yielding me this time.

Mr. Chairman, before I begin I would like to commend the gentleman from Kentucky for his devotion not only in the last 7 days or in the last months, but literally the last years of his life that he has devoted to this extremely important piece of legislation.

I feel this vote, amnesty, as the gentleman from Texas [Mr. HANCE] said earlier in the well is the key to the bill. This is the vote that the people on Main Street of America are going to remember, not on all the votes we have had in the last 7 days.

I regret that the managers of the bill limited the debate on this key issue. We should have been limiting debate the last 7 days.

The famous novelist James Michener, as reported in the press, stated earlier this year when people were

looking back on 1983 as to what they considered as the most significant events, said probably the most significant event that occurred in 1983 was the tragic death in the deserts of Texas of illegal aliens who were trying to enter this country illegally. They were from Central America. They were leapfrogging over Mexico into the United States, into the land of plenty.

To Michener, this represented the potential of a massive migration, possibly of millions of people coming into this country illegally in the future.

Today, there are estimates, as we have heard, some 2 million to 12 million illegal aliens are in this country. If we grant them amnesty, in time they will be eligible to become citizens of the United States. Then they will be able to bring in their mothers and their fathers, their children, their brothers, and their sisters. No one knows what the count ultimately would be of additional people coming into this country. And then these people will all be eligible for all of America's welfare programs also.

The cost is in untold billions of dollars, as speakers have said today, no one knows what the cost will be. This House of Representatives earlier this year advocated a pay-as-you-go budget. It is a shame we are not taxing the American taxpayers, saying "We do not know how many more billions of dollars you are going to pay out of your pocketbook, but we are going to tax you now." We do not have that provision. If we did, this amendment would pass. We are just saying we are going to increase the size of the deficit. The American taxpayer, the person on Main Street, U.S.A., would be, I think, overwhelmingly opposed, as the polls say, to this type action.

Mr. Chairman, the issue before us today is not only one of jobs, but one of American taxpayers' pocketbooks. We cannot afford to be the land of plenty for the entire world. It is unfortunate, but it is true.

This bill before us today now contains a workable guest worker program. It now contains employer sanctions. I think, as several speakers before me have said, that if we would then remove this amnesty provision we would have a sound bill, we would have a viable bill. I suggest to the Members of the House, now is not the time to give up. Now is not the time to throw up our hands and say, "You have overwhelmed us. You came in illegally but you have overwhelmed us so we will change our laws to accommodate you," because this, more than any other action, regardless of what we say, will provide the incentive for millions and millions of more illegal aliens to come into this country because they will think, and rightfully so, "Well, if they have done it once, in a few years they will do it again. Let

us go ahead. We will get amnesty in the future."

Mr. Chairman, I would urge my colleagues to think about this vote. It is the major vote, and I commend the gentleman from Florida.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. HUCKABY] has expired.

Mr. McCOLLUM. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana.

Mr. HUCKABY. I thank the gentleman for yielding this additional time to me.

Mr. Chairman, in closing just let me say that this is the guts of the bill, this is the heart of the bill. We do not know the cost. We do not know the numbers. We do not know the impact. The bill will work. It will work much better than what we have today without amnesty in it.

As for the people in the United States, then, I believe the numbers would flip-flop and the polls would show that the majority of the people would clearly support the actions that this House has taken; whereas, the polls today show that a clear majority, an overwhelming majority of the people, oppose amnesty as provided in this bill.

I would like to commend the gentleman from Florida just as the gentleman from New York recently did, for coming forth with a forthright amendment so that all the Members of the House of Representatives can stand up and be counted on this, probably the most historic vote of the 98th Congress.

□ 1310

The CHAIRMAN. The Chair now recognizes the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I now yield 3 minutes to the distinguished gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, I agree with almost everything that my colleague, the gentleman from Louisiana [Mr. HUCKABY] has said, and I agree with almost everything that my colleague, the gentleman from Florida [Mr. McCOLLUM], has said. They are right, that amnesty is going to create a logistics problem and a financial problem beyond the possibility of our comprehending till now.

Not just because of the 2 million to 12 million illegals who are here now but mostly because of the magnet that that is going to turn on and the absolute tidal wave of illegal immigration subsequent to the passage of amnesty that that will create from others in Latin America who want to participate in the amnesty program. And that flows from two conditions, first, the fact that our borders are open and out of control, and, second, because once they walk across the border they can

easily find the forged documents that will enable them to prove that they were here before January 1, 1982, or any of the other dates, or indeed they can prove that they came over on the *Mayflower*, if that is their preference.

We are going to have a problem that will increase above and beyond the 2 million to 12 million illegals here of exponential proportions. So I suggest that that is what we should be thinking about.

Now, having said that I sympathize with and I respect the statements of the gentleman from Florida and the gentleman from Louisiana, I have to come down on the other side of the line. I am for amnesty as a matter of conscience, as a matter of a moral imperative for America, and as a matter of finding distasteful, unacceptable, and obnoxious the continuation of this depressed, hidden lower class in America, so easily exploitable, so easily taken advantage of, with none of the resources of appealing to justice and law enforcement in our country.

Yes, I think if we took a national poll today, the American people would vote overwhelmingly against amnesty. But we are not poll takers. We are not paid to be poll takers or pulse takers. We are here to be legislators, and I remember the advice of Edmund Burke, that great English parliamentarian, to his constituents:

Yes, I am here to represent you. Yes, I respect your opinion, but from time to time there will be a matter of conscience in which I will disagree with you, and I hope that you will respect my right to offer you my judgment, my independent judgment, even when we disagree.

So it is on this basis that reluctantly I oppose amnesty.

The CHAIRMAN. The time of the gentleman from New York [Mr. SCHEUER] has expired.

Mr. SCHEUER. Mr. Chairman, I would ask for an additional 2 minutes.

The CHAIRMAN. The Chair will state that the time is controlled by the two gentlemen.

Mr. SCHEUER. Mr. Chairman, I ask that the gentleman from Kentucky grant me an additional 2 minutes.

Mr. MAZZOLI. Mr. Chairman, the gentleman from Kentucky is extremely sorry, but the time is already allotted. I apologize to the gentleman, and I appreciate his remarks.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. RUDD].

Mr. RUDD. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to again commend all of the Members who have been managing this bill, the distinguished gentleman from Kentucky [Mr. MAZZOLI] and the distinguished

gentleman from California [Mr. LUNGREN], and I commend the Members who have contributed so much to opening up this bill for the enlightenment of us all in an effort to try to solve the problem of the immigration of illegal aliens into this country.

I support the McCollum amendment, and instead of talking about illegal aliens, I would like to talk for a moment about legal entries of immigrants into the United States. I would like to share a story with the Members concerning Mrs. Alice Shipley of Phoenix, AZ, who immigrated to this great Nation of ours in 1919.

At 14 years of age, Alice arrived at Ellis Island in New York, having fled from Bolshevik persecution in Russia. She came to the United States "because the country opened its doors" to her and because "it made freedom, wealth and opportunity available." She recalls that her family patiently awaited entry into the country on a ship off Ellis Island outside the harbor of New York while they were properly and legally processed through the immigration lines.

Seven years later she became a citizen. She had to struggle to learn the English language, but she did. She remembers taking a stiff test concerning the Constitution and the Bill of Rights and how our Government functions.

Certainly at the time things were not easy for her or her family, but she had determination and she wanted to learn about our Government. She wanted to learn our language so she could get along well here, and, more importantly, she wanted citizenship here in our country. And she got it, and she wanted to get it through legal channels. It made better citizens of her and her family by doing it in that way.

It is precisely for this reason that the proposed granting of amnesty to those who have entered the country illegally is such a travesty.

I voted for the Lungren amendment, and I voted for the Wright amendment because it was better than what we have in the bill. We are saying in effect, though, that it is all right to break our laws. What could be worse, though, is to welcome prospective citizens into our country without their understanding what our country is all about.

There is not only the obvious unfairness to those like Alice Shipley who had struggled to establish themselves here as good citizens by working within the law and working hard, but also to those who are still patiently seeking to immigrate legally and through proper channels into our country. Some have waited more than a decade for this.

Then there is the immense cost of amnesty, which has been mentioned frequently. While H.R. 1510 excludes

the applicants in this bill from receiving Federal benefits for a period of 5 years, the outyear costs promise to be tremendous. Should we really consider rewarding the lawbreakers at the expense of the taxpayers? The resounding response from my constituency at least is no.

There is, however, a workable alternative to amnesty, and that has to do with the registration date. The registry date provision that exists in the current law provides that individuals who can prove continuous residence in this country since 1948 and who have a good moral character can be eligible for permanent resident status, which is the initial step that they can take legally toward citizenship. This is a tried and proven procedure.

Under the bill the registry date would be updated from 1948 to 1973. That is under the amendment provided by my friend, the gentleman from Florida. It will insure that only those who have been in the United States for a significant period of time, have established equities and proven themselves before their communities, may be eligible for this exemption.

The McCollum amendment would strike amnesty in favor of the proven registration date provision. By adopting this amendment, we will send a signal that citizenship carries with it not only benefits but also serious responsibilities to the community.

Mr. Chairman, I urge my colleagues to support this good amendment, and I yield back the balance of my time.

The CHAIRMAN. The Chair now recognizes the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, at this point, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. CONYERS].

Mr. Chairman, before the gentleman proceeds, might I inquire of the Chair as to the amount of time the gentleman has left?

The CHAIRMAN. The gentleman from Kentucky [Mr. MAZZOLI] has approximately 36 minutes remaining, and the gentleman from Florida [Mr. McCollum] has 30 minutes remaining.

Mr. MAZZOLI. Is the gentleman's time taken from the 36 minutes?

The CHAIRMAN. That is correct.

Mr. CONYERS. Mr. Chairman, I want to thank my colleague, the gentleman from Kentucky [Mr. MAZZOLI], for affording me this time and for helping to bring this debate to this point in our disposition of this incredibly important matter before us.

I do not know if the proponents of this amendment secretly desire to kill the Simpson/Mazzoli bill because if they do, in a way it comports with my views and my opposition to that flawed piece of legislation. It is almost like a suicidal death wish.

Here we have done everything that has been opposed by our Hispanic and

Mexican-American Members in Congress. The bill has been riddled with add-ons. The guest worker provision has been expanded and yet at the same time we are now confronted with eliminating the one humane and reasonable provision of this legislation which provides for the disposition of millions of people who have resided in this country since January 1, 1982.

□ 1320

There is a temptation that I resist to join with those that support this amendment. Maybe by approving the McCollum amendment we might defeat H.R. 1510. The only thing that restrains me is the fact that it would not be the right thing to do for so many people who have waited to hear us speak to the question of legalization, a legalization program about which I am very worried that it will never work correctly. With 33 exemptions, it is very difficult for me to honestly tell anybody in this country that all but a quarter of those eligible for legalization will ever attain it under these provisions; so I must restrain myself from voting for this amendment and yet hope that McCollum wins, because maybe it would be the death knell of this entire legislation.

Mr. Chairman, if we ever thought of trying to do something to deal with this immigration problem without legalizing these millions of undocumented people, what would we have? We would have two situations, mass deportations or the status quo.

Now, I am sure the maker of this amendment was not thinking carefully when he said our illegal aliens can go back to where they came from. That is a very, very regrettable expression and I hope the amendment is turned down.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. KINDNESS].

Mr. KINDNESS. Mr. Chairman, there are a couple points I think we need to get into focus and I would just like to sort of summarize.

It has been alleged here that the legalization program is an answer to part of the problem of our illegal alien population, but at the same time even its proponents have said and realized that the program, as proposed to be carried out in a short period of time, is completely uncontrollable and unworkable. It cannot be done on an orderly basis.

No. 2, we have heard it said again and again that we have lost control of our borders. We never had it. We never had control of our borders. The matter of control has only become important in recent years in view of a large and increasing influx of people.

We have had a system of laws in our country that have been reliant largely upon voluntary compliance, with a small percentage of enforcement. The

immigration law is a part of that tradition.

The registry date provision that is in the law and it is being updated in this bill if it is retained or the bill is passed in that final form, that is a way for law-abiding people to apply for regularization of their status; but it has been argued that the problem cannot be handled through the existing registry date provision. It would be administratively difficult or impossible.

Well, no, if that is impossible, then we know that the legalization program is completely impossible as contained in the bill.

There is a similar degree of fictionality, I think, about the allegation that there would be mass deportations if this amendment is adopted. It is not going to happen. There are various ways, as has been pointed out, in which those people who are affected by an undocumented status are going to deal with their situation.

It has been argued that legalization and employer sanctions go together. Watch that argument, folks. OK, what if, in a few years, we have another large group of new undocumented aliens identified? Then do we say, well, we have got to have a new amnesty, or do we repeal the employer sanctions or do we just reject the concept that we are employing today in saying that legalization and employer sanctions go together? They do not necessarily go together. They are two independent concepts which have been argued together, but they will not work in the future together unless we are committing ourselves now to an endless chain of new amnesties.

No question about it; you have got to destroy or abandon that theory at some time.

Mr. MAZZOLI. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. McNULTY].

Mr. McNULTY. Mr. Chairman, besides the curious coalition that this bill and its various amendments produce from time to time, it has produced some fairly curious varieties of old American cracker-barrel philosophies that don't have much intellectual merit, like the plotting peasant. We had that one. Then we had the pay-your-dues syndrome mentioned. Yesterday afternoon, we had the "don't speak any language other than English on the playground or we will expel you from school" slogan, and today we are working on the "don't reward law-breakers" with a boon.

On that, I hold with Yogi Berra that if John Calvin were alive today, he would be spinning in his grave.

I suggest we move beyond those kinds of considerations, accept law for what it is, a minimum, tolerable code of social conduct, designed to address real people with real problems and real possibilities.

In that spirit, I would say that it is not in the interests of any one of us here to have a tribe of 2 or 3 or 4 million people continuing to live in a state of legal uncertainty, and that uncertainty has been aggravated by this very debate.

This Nation does not need to construct the Indian equivalent of the Untouchables.

As a matter of fairness and justice, this amendment should be defeated.

Mr. McCOLLUM. Mr. Chairman, at this time the gentleman from Florida will take 1 minute and yield it to himself.

Mr. Chairman, there has been a great deal of debate going on today about fairness and what we should do about all those illegals who have been here for so long. The fact is that if legalization is stricken we will have a regular, orderly departure from this country over a period of time by those who have been here illegally. It seems to me that is the most humane thing we can do. If we strike legalization, we have employer sanctions left. We will have a bill that is workable and those who are having to leave the country can get into a temporary worker program and come back to work here legally. It just does not seem to me to be a logical argument. That it is somehow unfair to let this happen.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I thank my colleague.

Before I have my say, I would like to commend my colleagues from Florida, in particular my colleague, the gentleman from Florida [Mr. McCOLLUM], the gentleman from California [Mr. ROYBAL], and the individuals who have carried out this debate in a fashion that I think is appropriate to this House. It is emotional. It is personal. It bothers each of us in a special way and I think we have done the best that we could, each for our own thoughts. I commend each of you.

I continue to oppose the amnesty provision of this bill and say this to my colleagues. My grandparents on both sides of my family came to this country as immigrants but they came legally. Also I know there are many who have come illegally since that time, who have allowed their children and their children's children to take a leadership role in this country, but I would say that there must be a point in this Nation where we say the rule of law is what we, the Congress and this body, must try to abide by. So much has been said during this debate about the message to those illegals who have come to this country and the problems that it will create.

□ 1330

We should ask what about those who are trying to come here legally. In

my own State of Florida tens of thousands of applications are on hold and never processed, from individuals who try to use the legal process but the process is clogged, jammed, stopped because the illegal flow is so monumental that we cannot do anything about it.

So I would say this, I think we need to be humane with those who are here illegally, I think we need to be compassionate; we need to be realistic. But we are a nation of laws. As I say earlier in the debate this week, many of the very people that we are talking about come here because of our laws and our Constitution and our rules of law and our attempts consistently not to allow illegal processes, inappropriate processes to take over our Nation.

So I say yes, we have to be realistic, we have to be compassionate, but I would say to my colleagues that it does not need to be done in this way and I have contended from the very beginning, to be done in this particular piece of legislation.

I would contend that the first duty that we have to those who are here and those individuals who came here legally, and to those American citizens, is to try to put in place as much as possible a controlled system for our borders, and I recognize that we will never completely control those borders, but at least a better job, to beef up the Border Patrol, to add funds for enforcement—and we have done that—to have some type of enforcement provision with regard to employer sanctions but not to send the wrong signal to the rest of the world that we are going to do all of this, to be a nation of laws but "If you have broken the laws and you are here, you are in effect home free."

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Chairman, the gentleman of course, as we know, is a very important and influential Member of Congress and has acted on behalf of his constituents and in some cases has filed bills which seek private relief for those who are here in this country illegally. So the gentleman himself recognizes there are certain situations and certain conditions which, like the Bard says, "The quality of justice is not strained, it falleth like the gentle rain." There are times when we have to look at situations in justice, which sometimes means exoneration, sometimes justice means extra discretion, sometimes it means giving the benefit of a doubt.

So as the gentleman does in filing private bills which come to this gentleman's committee, the gentleman from Kentucky simply says that we are

doing the same thing in a more institutional way for a group of deserving people.

Mr. MICA. I think the gentleman makes an excellent point, Mr. Chairman. I think it points out essentially what I have been saying. This gentleman and every other Member of Congress who has ever filed a private bill has taken the legal approach to seek a remedy where there is an injustice. And I do agree we have to do something, we have to deal with those who are here.

My concern is this, that we have talked so much about the message to the illegal, what about the message to the legal? In a bill where the major intent is to give some indication to those who are not here that we really do mean to be a nation of laws, we really do mean to get some control, this does, the opposite, it creates confusion.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MICA] has expired.

Mr. McCOLLUM. Mr. Chairman, I yield an additional 30 seconds to the gentleman from Florida.

Mr. MICA. So I would close by saying that I oppose the amnesty provision. I am willing to discuss this issue as we proceed in other legislation before the Congress, but I hope at this time we can send a clear signal to those in this Nation and those outside this Nation that we simply want to get control of our borders in the best way we can. It is not a total 100 percent solution but it is a step without the amnesty provision in the right direction.

Mr. MAZZOLI. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, restricted legalization, two-tier legalization, makes sense under the Wright amendment because it provides for controls.

Mr. Chairman, first, the continued presence of a large number of undocumented is harmful both to U.S. society and to the undocumented themselves. Their exploitable posture results in various kinds of illegality, affects wage standards, impacts upon ethnic relations, and more.

Second, the legalization of a significant portion of the undocumented population would enable us to manage better our immigration problems. The INS is currently devoting a substantial measure of its strained resources to the never-ending and costly task of deporting people already integrated into American society. Legalization would allow those meager resources to be diverted and concentrated on programs that will be maximally effective in enforcing the law and in offering needed services.

Third, legalization would permit employers dependent upon this pool of

labor to use that labor, but now on a lawful basis.

Finally, only through legalization will we be able to obtain the comprehensive knowledge of the current undocumented problem essential to population planning and dealing effectively with future flows, from whatever source.

Mr. Chairman, I am including additional material on this issue for the benefit of my colleagues.

LEGALIZATION PROGRAMS IN OTHER COUNTRIES

Census Bureau estimates show that there are currently between 2 to 4 million undocumented people living in the United States. One recommended solution to this serious national problem is a large scale legalization program, perhaps similar to legalization programs implemented by other countries. A major concern regarding large-scale legalization however, is that it may lead to an unmanageable number of requests for U.S. citizenship. In analyzing legalization programs in seven countries it has been found that these programs do not result in voluminous requests for citizenship, but rather that the response rate in unexpectedly low. Some nations, such as Canada and Australia implemented programs with very liberal applicant criteria. Others, including France and the United Kingdom, enforced strict program guidelines. Regardless of the type of program implemented, the response rate was always low, usually well under 50 percent. The specific results obtained illustrate the limited impact of large-scale legalization programs:

CANADA (1973)

Canada's program had very liberal applicant criteria. "Only applicants with significant criminal records were denied immigrant status. In addition, the applicants were to be screened by immigration officers who were instructed to be generous in their decisions and to grant amnesty whenever it appeared to be appropriate." (p. 6)

Despite the liberal program employed, the number of persons legalized in relation to the number of persons estimated in the undocumented population was much smaller than the Canadian officials expected. Government estimates on the undocumented population stood at around 500,000 to 1,000,000 people but only 52,000 people benefitted from the legalization program.

AUSTRALIA (1980)

Similar to Canada, Australia also adopted a liberal legalization program. "Those persons eligible for the program were required to meet health and character criteria and to have a 'genuine intention to reside permanently in Australia.' Moreover, the members of the applicants families in Australia and overseas were eligible for permanent resident status." (p. 4)

The Australian government has estimated that there were at least 40,000 undocumented immigrants in Australia, but during the application period only 14,000 applications were received.

FRANCE (1982)

France adopted a strict legalization program during 1981-1982, which included specific employment and residency criteria. In addition, "the clandestine immigrant applied for change of immigration status directly to government officials . . . and if the case was denied, the applicant was told the reasons and received a residence permit for

one month. After the month lapsed, the individual was required to leave the country." (p. 10)

Under the 1981-1982 amnesty, French officials expected approximately 300,000 workers to apply however, only 100,000 undocumented people were legalized.

UNITED KINGDOM (1978)

The legalization program adopted by the United Kingdom included complex eligibility requirements and a high rejection rate. About one-third of those applying under the amnesty program were ineligible, with 2,346 applying and 1,679 accepted. The low rate of applicants was probably due to the stringent criteria and to the fact that the immigrants could continue their clandestine residence undetected by the authorities.

VENEZUELA (1980)

In 1980, it was estimated that about 2.5 million undocumented immigrants resided in Venezuela. The government implemented a registration program leading to legalization if the immigrant met the following two requirements.

(1) A valid identification document issued by the immigrant's government.

(2) Evidence of gainful employment.

Those who did not register were deported by the National Guard or other security forces. According to the available sources, 345,000 immigrants registered on time. Considering that there were 2.5 million illegal aliens, the program was not a success.

VIRGIN ISLANDS (1975)

The most successful legalization program, as determined by response rate, was the program implemented by the Virgin Islands. Approximately 50 percent of the estimated alien population was legalized under this program. However, the majority of the applicants, nearly 59 percent, were simply adjusting their visa status and were not in fact undocumented people.

The legalization programs of most countries had low turnouts. Whether the country had strict or liberal applicant criteria, the number of people who had benefitted was always less than expected. Based on the experiences in foreign countries, large scale legalization does not lead to massive increases in requests for citizenship. The popular US myth that a legalization program will cause an unmanageable upsurge of migration cannot be substantiated. Moreover, the proposed legalization program currently before the US Congress is a restricted program which limits the number of eligible applicants. The implementation of this strict program will at least partially help alleviate the problem of undocumented people. Rather than view large-scale legalization as a detrimental proposal, we need to examine it as a feasible solution to a pressing social problem.

[From the Heritage Foundation, Feb. 1, 1984]

NINE MYTHS ABOUT IMMIGRATION

(By Julian L. Simon)

INTRODUCTION

Immigration is one of the most complicated topics of our times. Society and Congress are struggling with the problem in the form of the Simpson-Mazzoli bill, which is now before the Senate and House (S. 529 and H.R. 1510). The issue of immigration seems to pit two fundamental values—lending a helping hand to strangers and ensuring the economic self-interest of family and community—against one another. Also involved are

values that may not appeal to all but which are in no way irrational, such as maintaining some degree of cultural or racial homogeneity in the country (Margaret Thatcher has spoken for that in the case of Great Britain) and keeping a particular political balance.

Wherever it may lead, a debate on U.S. immigration policy ought to be based on facts. Regrettably, a number of myths about immigration work against a reasoned debate. The sum of these myths is that immigrants lower the standard of living of U.S. natives. This simply is not supported by the evidence. In the interests of an informed debate on immigration, these myths must be examined.

MYTH 1: IMMIGRANTS ARE WELFARE ABUSERS

It is frequently alleged that immigrants no sooner arrive in the U.S. than they become public charges, draining welfare money from the U.S. taxpayers and paying no taxes. Solid evidence gives the lie to this charge.¹

In 1976 the Census Bureau interviewed 156,000 households (including about 15,000 immigrant families) to learn about 1975 family income and welfare services patterns. From this sample was constructed a picture of lifetime economic behavior by assuming that the information on immigrants who had been here, say, two years, or ten years, as of 1975 described the representative immigrant family after two years, or after ten years, and so on.

The services that most often catch the public eye are welfare and supplemental security, unemployment compensation, aid to dependent children, and food stamps. The average native-born U.S. family received \$498 from these programs in 1975 (calculations include families getting no assistance). The average for immigrant families that arrived between 1950 and 1974 was \$548. Not much difference. For immigrant and native families of similar education and age, there is no difference.

Of course there may be some systematic abuses of the welfare system by immigrants. But the U.S. legislative system surely can devise adequate remedies. Senator Charles Percy (R-Ill.), for example, sponsored a bill strengthening the requirement that sponsors of immigrants stand behind them financially to prevent their entering in order to go onto welfare. Nor would it be un-American to require immigrants to provide the American public some service in return for the benefits they receive. In the past, serving in the Army was such an example; it also had the side effect of quickly Americanizing the immigrants who served.

Providing school for immigrant children during an immigrant family's first five years in the U.S. costs slightly less than \$859 for the average native family, because immigrants tend to come before they have children or while the children are still young. After that, school expenditures for immigrant families are higher than for native families, rising from \$1,068 to \$1,237 during the next 15 years. (The difference is not that immigrants have many children, but that the average native family is older with fewer children still in school.)

When public retirement programs are included—such as Social Security, Medicare, and Medicaid—immigrant families on average are seen to receive much less in welfare payments and services than do average native families. Immigrants in fact lessen

the Social Security burden upon native workers by contributing to the fund while not drawing from it. And if there is any single factor that cramps government economic policies right now, it is payments through Social Security, other pension plans, and other assistance to the elderly.

Immigrants typically arrive young and strong. Native U.S. families received in 1975 on average \$735 for Social Security, \$167 for Medicare and \$20 for Medicaid, a total of \$922. Immigrant families received a total of \$92 during the first five years in the U.S., \$227 in the second five years, \$435 in the third five years, and \$520 the fourth and fifth five-year periods. The difference in favor of natives is large. Immigrants thereby benefit natives.

But what about Social Security when immigrants reach retirement age? The answer depends not on entitlements or legal obligations, but on the flow of real resources from workers to retirees. In this way, the children of retired immigrants support their parents with their taxes, as in the case of natives. Hence the immigrant retirees do not increase the burden on natives.

In summing the figures for all the transfers and services, the average immigrant family is found to receive \$1,404 in welfare services in years 1 to 5, \$1,941 in years 6 to 10, \$2,247 in years 11 to 15, and \$2,279 in years 16 to 25. Native families overall average the same, \$2,279, considerably more than the immigrants receive during their early years in the U.S. Figures for these early years are more relevant because in making rational policy decisions the distant future is weighted less heavily than the near future.

MYTH 2: ILLEGALS MAKE ESPECIALLY HEAVY USE OF WELFARE SERVICES

Contrary to common belief, illegal immigrants from Mexico and elsewhere receive little in welfare services because of their illegal status. Labor researchers David North and Marion Houston of the New Trans Century Foundation found the following proportions of illegals using services: Free medical, 5 percent; unemployment insurance, 4 percent; food stamps, 1 percent; welfare payments, 1 percent; child schooling, 4 percent.² Practically no illegals receive the costliest service of all—Social Security. But 77 percent of illegal workers paid Social Security taxes, and 73 percent had federal income tax withheld. Several other studies using a variety of research methods reveal similar results. The low use of social services is largely because the illegals are afraid of being apprehended. And among the illegal Mexicans, more than 80 percent are male, half are single (most of the married men leave their wives and children in Mexico), and most are youthful (less than 10 percent of the workers are over 35) and need few services.

MYTH 3: IMMIGRANTS PAY LESS THAN THEIR SHARE OF TAXES

If immigrants paid relatively little in taxes, it could be argued that they still burden natives, even with fewer welfare services for immigrants than for natives. While there is no direct information on taxes paid, data on family earnings allow a reliable estimate.

Within three to five years after entry, immigrant family earnings reach and pass those of the average native family, because of the variance in age composition of native and immigrant families. The average native family paid \$3,008 in taxes in 1975. In comparison, immigrant families here 10 years

paid \$3,359, those here 11 to 15 years paid \$3,564, and those here 16 to 25 years paid \$3,592. Such substantial differences benefit natives.

Assuming 20 percent of taxes finance activities that are little affected by population size (for example, maintaining the armed forces and the Statue of Liberty), the data on services used and taxes paid, taken together, show substantial differences that benefit natives: an average of \$1,354 yearly for years 1 to 5, and \$1,329, \$1,535 and \$1,353 for years 6 to 10, 11 to 15, and 16 to 25 respectively. These are the amounts by which each additional immigrant family enriches U.S. public coffers. Evaluating the future stream of differences as one would a dam or harbor, the present value of an immigrant family discounted at 3 percent (inflation adjusted) was \$20,600 in 1975 dollars, almost two years average earnings for a native family; at 6 percent the present value is \$15,800, and \$12,400 at 9 percent.

MYTH 4: IMMIGRANTS CAUSE NATIVES TO LOSE JOBS

The most politically powerful argument against admitting immigrants has been that they take jobs held by natives and thereby increase native unemployment. The logic is simple: If the number of jobs is fixed, and immigrants occupy some jobs, then there are fewer jobs available for natives.

In the immediate present, the demand for any particular sort of worker is indeed inflexible. And, therefore, additional immigrants in a given occupation, in theory, must have some negative impact on wages and/or employment among people in that occupation. For example, the large recent influx of foreign physicians means additional competition for U.S. physicians. There is good reason to believe that U.S. physicians will earn less because of immigrant physicians. Such negative effects upon particular occupations could be avoided only if immigrants were to come into all occupations in proportion to the size of those occupations. Workers whose occupations immigrants enter disproportionately can therefore be expected to complain.

Theory says that there must be some unemployment in some sectors. But theory does not say whether the effect will be huge or trivial. The effect is difficult to measure, because natives move away from areas with high unemployment to areas where it is lower, and immigrants move there, too, thereby obscuring the impact of immigration. Nevertheless, if immigrants were to cause large amounts of unemployment in particular industries, the phenomenon would surely be noticeable.

Even in the few sectors, such as the restaurant and hotel industries, where immigrants concentrate, there tends not to be a deleterious effect on natives because natives do not want these jobs. Evidence comes from experiments conducted by the Immigration and Naturalization Service together with San Diego County. In one case, 2,154 illegal aliens were removed from jobs, and the California State Human Resources Agency tried without success to fill the jobs with U.S. citizens. The County of San Diego Human Resources Agency reported:

"Some of the reasons for the failure were: (1) most employers paid less than the minimum wage rate, (2) the job categories were not appealing to the local resident (a matter of prestige), and (3) applicants were discouraged by not only the low wages but also the difficulty of some jobs, and the long hours demanded by the employers."³

¹ Footnotes at end of article.

Research also does not show across-the-board unemployment caused by immigrants, either in the U.S. as a whole or in particular areas of relatively high immigration. Heretofore such studies have been rather casual. Therefore, research assistant Stephen Moore and the author recently mounted a systematic attempt to detect whether such immigrant-caused unemployment exists in significant amount. Still no such effect is observable. It seems fair to conclude therefore that, while in theory immigration ought to produce some unemployment in the short run, the amount is in fact negligible. And in the long run, when there is not even a theoretical reason to believe that immigration causes unemployment, there is no reason at all to think that it does.

One reason that unemployment is not caused is that potential immigrants have considerable awareness of labor-market conditions in the U.S. and tend not to come if there is little demand for their skills. Also, immigrants tend to be varied in their skills and therefore do not have a disproportionate impact on a few industries. At the same time—this point is crucial, but too little understood—immigrants increase demand for labor across the range of occupations, because immigrants consume goods as well as produce them.

Another reason, then, for the absence of unemployment caused by immigrants is that they not only take jobs, they make jobs. Immigrants not only create new jobs indirectly with their spending, they create new jobs directly with new businesses, which they are more likely than natives to start. A Canadian government survey, which should be similar to U.S. experience, finds that almost five percent of the 2,037 immigrants surveyed had started their own businesses within the first three years in Canada. Not only did they employ themselves, they employed others, "creating" a total of 606 jobs. Expressed as a proportion of the 2,037 total immigrants, roughly 30 percent as many jobs were created from scratch as total jobs were held by immigrants. Furthermore, these numbers rose rapidly after the three-year study period; after one year there were 71 self-employed immigrants creating 264 jobs, compared with the 91 and 606 respectively after three years.

The businesses immigrants start are small at first, but small businesses are the most important source of new jobs, according to a recent MIT study.

Historically, migrants have tended to enter in good times and leave during bad, thus buffering unemployment for citizens, another positive effect of immigrants upon the labor market. Furthermore, a much lower proportion of immigrants work for government than do natives (perhaps 8 percent compared to 16 percent). This indicates a relatively low burden on the government to help supply jobs even after they have been in the U.S. many years. This should have a beneficial effect upon overall native chances for employment. It also benefits natives because a disproportionately small number of immigrants are making use of public productive capital.

MYTH 5: IMMIGRANTS PUSH WAGES WAY DOWN

The impact of immigration is likely to be greater on wages than on unemployment rates, because potential immigrants with skills that are in low demand choose not to migrate, and those with saleable skills gravitate to industries where there are jobs. This will have some downward pressure on wages. For example, immigrant physicians are more likely to reduce a native physi-

cian's yearly income than to throw him or her out of work.

Economists Barton Smith and Robert Newman of the University of Houston found that adjusted wages are just 8 percent lower in the Texas border cities,⁴ where the proportion of Mexicans is relatively high, compared to Texas cities away from the border where the proportion of Mexicans is much lower, a considerably smaller difference than they had expected to find. Much of the apparent difference is accounted for by a lower cost of living in the border cities.

MYTH 6: IMMIGRANTS ARE "HUDDLED MASSES"—UNEDUCATED, UNSKILLED, AND "TIRED"

The belief that immigrants arrive now, as they did in the past, with little or no education, few marketable skills, and in a generally tired and depressed condition is one of the most powerful, least accurate, and most persevering myths about immigration. This description is found in many books and articles including Oscar Handlin's famous, *The Uprooted*.⁵

The central fact about immigrants now, as throughout U.S. history and in almost all places at almost all times, is that immigrants are just entering into the prime of work life. This is the very best time to make a maximum contribution in all ways to the country receiving them. In contrast, the U.S. resident population is rapidly aging. But the immigrants are concentrated in their twenties and thirties, when they are flexible about job and geographical location, and therefore contribute importantly to the constant adjustment of the economy to changing conditions. They are of the age of greatest physical and mental vigor. And in this age bracket they contribute heavily to old-age support while requiring relatively little welfare service from the public coffers. See Table 1 for the age distributions of the U.S. public at large of and recent immigrants.

TABLE 1.—DISTRIBUTIONS BY AGE OF LEGAL IMMIGRANTS AND U.S. POPULATION

Age	U.S. population, 1970 ¹	Legal immigrants to United States, 1967-73 ²
0 to 19	38.8	34.5
20 to 39	25.7	46.4
40 to 59	22.2	13.9
60 plus	14.2	4.3

¹ Department of Commerce, "Social Indicators" (Washington, D.C.: U.S. Government Printing Office, 1976), p. 32.

² Charles B. Keely and Ellen P. Kraly, "Recent Net Alien Immigration to the U.S.: Its Impact on Population Growth and Native Fertility," talk to the Population Association of America, 1978.

Even more surprising is that immigrants on average have as much education as do natives. Contemporary cohorts of immigrants include somewhat larger proportions of persons of low skill and low education than does the native labor force, but they contain a much larger proportion of those of high skill and high education—physicians, engineers, scientific researchers, and the like—then does the native population. And recent research by economist P.J. Hill of Montana State University and others shows that even before the turn of the century, cohorts of immigrants compared favorably with the native populations with respect to education and skill.⁶ This makes sense. A person with little education and skill is not necessarily stupid, and understands that life without saleable human capital is particularly tough in a new and

strange environment, and therefore that it is wiser to stay at home. On the other hand, it is sensible for a person with a good amount of saleable human capital to take the chance and immigrate, because such a person has a good chance to improve his or her lot by moving to a new and richer country.

Along with youth and skill, immigrants tend to bring an unusually high degree of self-reliance, initiative, and innovative flair. Again, it makes sense that it is such people, rather than the dull and frightened, who have the courage and the belief in themselves necessary to the commitment to the awesome change that international migration represents.

MYTH 7: IMMIGRANTS INCREASE PRESSURE UPON RESOURCES AND ENVIRONMENT

Still another unfounded charge is that immigrants create a squeeze in natural resources for natives. For example, Zero Population Growth's honorary president, Paul R. Ehrlich, talks about the effect of additional people on the "perilously shrinking water supply in this country. And our food supply. Think of the competition they'll cause for housing and jobs." The basis is the assertion that "The United States in less than 50 years will be more crowded, more polluted, more ecologically unstable, more prone to political unrest, more burdened with social stress, and far, far more precarious than we can possibly imagine."⁷

These predictions are without foundation. The water and food supplies consumed in the U.S. have been improving in past decades by every reasonable measure of quantity and purity, though this appears to be little known. The air, moreover, is becoming less polluted, according to the official Pollutant Standards Index prepared by the U.S. Environmental Protection Agency.⁸ And over the long run, natural resources are becoming less scarce rather than more scarce, as indicated by the fundamental economic measure of cost.

But not all such propositions about the effects of immigrants upon resources can be rebutted so easily. For example, consider this statement in a 1981-1982 article called "Immigration and the American Conscience" by The Environmental Fund: "Had the United States stabilized its population in 1970, we could have the same level of energy consumption and standard of living as we do today without any Iranian oil or a single nuclear power plant." The statement probably is true. But even more probably, and much more important, the statement also is terribly misleading.

One important flaw in the statement is that the eleven years it encompasses is much too short a time for the most important effects of population change to have their effects. Babies take a quarter century to mature into producers of goods and ideas; even immigrants may require several years to reach their full productivity.

It takes even longer for a crucial historical cycle to take place: (a) an immigrant swelled population leads to greater use of natural resources; (b) prices of raw materials then rise; (c) the price rise and the resultant fear about scarcity impel individuals to seek new sources of raw materials, new production technologies, and new substitutes for the resource; and (d) eventually the price of the service provided by the resource in question—for example, the price of energy whether produced from wood, coal, oil, or nuclear power—falls lower than it was before the temporary scarcity began. This

process takes time and is quite indirect. Yet it has been the mainspring of economic advance for 5,000 years. It is, however, obscured by the above quotation, which makes it seem as if the main effect of the additional people is bad. In fact, after a relatively short time, the main effect is that people are better off than if the whole cycle beginning with more people had not taken place.

A stationary population in the long run would have a lower economic level than a growing population. Imagine the results 100 or 500 years later, or today, of stabilizing world population in 1000 B.C., 1 A.D., 1000 A.D., 1750 A.D., or 1900 A.D. A key characteristic of a high level of economic civilization is that it contains the capacity to resolve newly arising problems more quickly than did lower economic civilizations. For example, the incidence of famine has declined sharply in the past century because of modern roads and other transportation systems. Food scarcity as a result of rapid population growth took much longer to remedy in 1300 A.D. or 1600 A.D. than now, because of today's systematic ways of finding and applying new knowledge that will meliorate the scarcity.

Much of The Ultimate Resource shows that natural resources (including energy) are, with passing decades, less rather than more of a constraint to U.S. and world growth. To cite such "limits" in discussions of national policy is unsound geology and biology, incorrect history, and terrible economics. The progressive improvement that has occurred in the world's resource availability would not have taken place if population density had remained at the lower levels of earlier centuries and millennia.

MYTH 8: IMMIGRANTS CAUSE DIMINISHING RETURNS

The heart of the Malthusian objection to immigration is "capital dilution." This means that because of the theory of "diminishing returns" output per worker will fall. This argument is so marvelously simple, direct, and common-sensical that it has great seductive power, especially to academics. The Malthusian notion therefore is grist for any family newspaper. The arguments that demonstrate the inapplicability of Malthusian capital dilution in the context of immigration are relatively complex and indirect. As a consequence, editors who fear that such arguments will tax the attention and thought of their readers and listeners protect their audiences from such a terrible fate. And the field is therefore left to simple—though incorrect—Malthusianism.

Nowadays the most important capital is human capital—education and the skills that adults own and carry with them—rather than the "capitalist" supplying all the capital. Still, there is some harm to natives caused by the presence of more workers but the same capital.

If the private sector of the economy were like the government sector—where workers' pay is assumed equal to the full value of what they produce, with nothing left for the owner of the capital—then capital dilution would indeed lower average native income. But in the private sector, additional workers imply higher earnings for owners about equal to the loss of earnings by other workers. This trade-off leaves overall native per capita income roughly unchanged.

Yet "workers" suffer as "capitalists" gain. That is, to the extent that the classes are separate, there is a transfer from workers' pockets to owners' pockets. But in fact much of America's private capital is owned

directly by "workers" through pension funds and by way of the taxes paid on interest and dividends. Hence the loss to the "worker" class is unclear.

As to special groups of workers, especially low-income earners, the negative effect is probably less than commonly thought and may be nonexistent. Because legal immigrants arrive with considerable education and skills and enter a wide variety of occupations, they hurt no occupation or income level much, even in the short run. (And to repeat, in the long run, occupations on average benefit from additional jobs created by the purchases made by immigrants to about the same extent that immigrants take existing jobs within the occupations. In short, immigrants make jobs as well as take jobs.)

Regarding the public capital used by immigrants, there should be concern about the additional capital outlays needed to equip immigrants—the extra schoolrooms, hospital beds, firehouses, and the like. Not relevant is the use of public goods not affecting natives' use or pocketbooks—looking at the Washington Monument or riding on a lightly used interstate highway. And to a considerable extent, the U.S. is on a pay-as-you-go basis with respect to capital expenditures: The debt service on past public borrowings covers much of the outlay on new capital. Therefore, through their taxes, immigrants pay "rent" on public facilities. This is an important additional reason why Malthusian capital dilution is not a crucial problem.

MYTH 9: THE U.S. IS FLOODED BY MEXICAN ILLEGALS

The number of aliens illegally residing and working in the United States is an issue that enters into the discussion of immigration in many ways. It is the main focus of the writings of those who oppose immigration, and it is used to generate strong feelings on the grounds that it causes a breakdown in the law and order of the country and corrupts attitudes toward the law. The issue also is used to suggest that the United States is rendered vulnerable to invasion or other unnamed dangers because it has "lost control of its borders." The Federation for American Immigration Reform (FAIR) and The Environmental Fund (TEF), the two organizations most active in fighting against immigration, dwell upon the word "control." This plays upon a fear of chaos and social breakdown. And the supposed large-scale loss of jobs by natives due to illegals is a major objection to immigration generally, including that by labor unions.

Are such arguments justified by the data? Clearly not. The evidence for the largest and most frightening estimates of illegals is flimsy or nonexistent. In general there is a strong negative relationship between the quality of the research and the size of the estimate.

The Immigration and Naturalization Service frightened many with its 1970's estimates that there were 4 to 12 million illegals in the U.S. But a study by the Bureau of the Census staff at the request of the Select Commission on Immigration and Refugee Policy⁹ noted that this estimate was based on nothing more than an impression derived from the data on the number of apprehensions of illegals either crossing the border or on the job. The INS gave no evidence in support of its estimate. And apprehension records are obviously a fallacious basis for any such estimate. For example, the same person might be apprehended several times during a single week.

Later the INS shifted its estimate to 8.2 million persons, as of mid-1975, deriving the

figure from a Lesko Associates study it commissioned.¹⁰ The basis for the estimate was the "Delphi technique." This technique may be appropriate for such tasks as forecasting technological developments. But it is an absolutely unreliable and inappropriate estimation method for a subject such as the number of illegals in the U.S. Even Lesko called the estimate "not analytically defensible."¹¹ Yet for a long time these figures were the basis for much of the political debate on the subject.

The INS then offered an estimate of 6 million illegals as of 1976. This was derived by asking INS District Directors to estimate the number of illegals residing in their districts. According to the Bureau of the Census description:

"The district officers were asked to provide, in addition to estimates of illegals for their districts, a description of the methodology used to generate the estimates. None gave specific procedures. Rather, all but one referred to the 'experience' of officials as the basis for the estimate; the other claimed no 'scientific' basis at all for his estimate. Thus, the overall estimate may be characterized as 'synthetic speculation.'"¹²

Ingenious statisticians have recently tackled the problem in a variety of interesting ways, including analysis of alien deaths in the United States,¹³ changes in Mexico's population,¹⁴ * * *

FOOTNOTES

¹ Julian Simon, "Immigrants, Taxes, and Welfare in the U.S.," forthcoming in *Population and Development Review*. The following information is an analysis in this article of the Census Bureau survey described in Myth No. 1.

² David S. North and Marian F. Houston, *The Characteristics and Role of Illegal Aliens in the U.S. Labor Market: An Exploratory Study* (Washington: Linton and Company, March 1976).

³ M. Vic. Villalpando, et al., "A Study of the Socio-Economic Impact of Illegal Aliens, County of San Diego" (San Diego: Human Resources Agency, January 1977).

⁴ Barton Smith and Robert Newman, "Depressed Wages Along the U.S.-Mexican Border: An Empirical Analysis," *Economic Inquiry*, January 1977, pp. 56-66.

⁵ Oscar Handlin, *The Uprooted* (New York: Grosset and Dunlap, 1951).

⁶ Peter J. Hill, "Relative Skill and Income Levels of Native and Foreign-Born Workers in the United States," *Explorations in Economic History*, 12, 1975, pp. 47-60.

⁷ Paul R. Ehrlich in a fund-raising letter for Zero Population Growth, no date.

⁸ For a discussion of these EPA findings, see Julian Simon, *The Ultimate Resource* (Princeton, N.J.: Princeton University Press, 1981).

⁹ Jacob S. Siegal, Jeffrey S. Passel, and J. Gregory Robinson, "Preliminary Review of Existing Studies of the Number of Illegal Residents in the United States," in *U.S. Immigration Policy and the National Interest*, Appendix E to the Staff Report of the Select Commission on Immigration and Refugee Policy Papers on Illegal Migration to the United States, April 1981.

¹⁰ Lesko Associates, 1975, *Final Report: Basic Data and Guidance Required to Implement a Major Illegal Alien Study During Fiscal Year 1976*, prepared for Office of Planning and Evaluation, U.S. Immigration and Naturalization Service, Washington, D.C., October 1975.

¹¹ *Ibid.*

¹² Siegal, et al., op. cit., p. 17.

¹³ J. Gregory Robinson, "Estimating the Approximate Size of the Illegal Alien Population in the United States by the Comparative Trend Analysis of Age-Specific Death Rates," unpublished paper presented at the annual meeting of the Population Association of America, Philadelphia, Pennsylvania, April 26-28, 1979.

¹⁴ Howard Goldberg, "Estimates of Emigration from Mexico and Illegal Entry into the United States, 1960-1970, by the Residual Method," unpublished graduate research paper, Center for Popula-

tion Research, Georgetown University, Washington, D.C. 1974.

CONGRESSIONAL HISPANIC CAUCUS,
Washington, DC, June 5, 1984.
MEMORANDUM

Re Immigration analysis—immigrants are a drain on the economy.

To: Members of the CHC.

From: CHC staff.

The following is excerpted from an article by James Fallows that appeared in the November 1983 issue of *Atlantic Monthly* entitled, "Immigration, How It's Affecting Us."

During the 1970s, when Southern California received more immigrants than any other part of the country, it also created jobs faster than any other, and its per capita income increased by 25 percent, also higher than the norm. Immigration was far from the only factor in these increases, the study reported; but, it said, the findings suggest, "at least at the aggregate level, that large-scale immigration did not depress, and per capita income in the state"—that is, it did not divide the pie. On balance, the study said, the economic benefits to the region—results of the new human energy, the entrepreneurship, the adaptability—outweighed the costs, which primarily came from the immigrants' use of public services, such as hospitals and schools.

Although immigration is a divisive issue in Miami, almost no one disputes the economic bonus the Cuban community now represents. The first to flee Castro were mainly professionals and businessmen, who soon repeated their success here. The second and third waves were less select, more like America's other immigrants; the first-wave Cuban grumbled that those who had lived under communism had lost their drive. Still, they were absorbed into Little Havana, where they opened shops and restaurants and kept the town alive.

ENVIRONMENTAL POLICY INSTITUTE,
Washington, DC, June 20, 1984.

Re Simpson-Mazzoli bill.

DEAR HOUSE MEMBER: I am writing to urge you to vote NO on final passage of the Simpson-Mazzoli immigration bill because it does not reflect sound environmental or population policy as amended. Population stabilization is a critical environmental goal, both domestically and globally. In the United States, an effective and fair immigration policy is an essential ingredient. But the version of the Simpson-Mazzoli bill the House is now debating has lost even the potential to bring about such a goal, and in fact works against it. We feel that Members who favored the bill because they believed it to be correct environmentally should now oppose it.

With the adoption last week of the Panetta "guest worker" amendment, the legislation lost all credibility from the environmental perspective. At the very heart of the push for this legislation was the desire to establish limits. This amendment actually removes them, turning what was designed to be an immigration control measure into little more than an agri-business bail-out bill. There is no cap on overall legal immigration, and we do not believe the enforcement provisions will work effectively to deter illegal immigration. But we do believe the measure poses serious threats to civil liberties and human rights, about which we are deeply concerned. There is no trade-off for other environmental or human values here. Certain ethnic groups would bear a burden of discrimination without any coun-

tervailing benefits. The trade-off for sanctions and the guest worker provision was supposed to have been the legalization program in the Committee-passed bill. But that provision is highly controversial, and amendments which weaken it significantly have already been adopted.

In short, there is no longer any environmentally or ethically sound reason to vote yes on final passage of this bill—even if SOME version of legalization is adopted, and whatever the Conference MAY do notwithstanding. I hope you will join us in opposing it and vote NO.

Thank you.

Sincerely,

LOUISE C. DUNLAP,
President.

[From the Wall Street Journal, Feb. 26, 1981]

ADDING UP THE COSTS OF OUR NEW
IMMIGRANT
(By Julian L. Simon)

Shocking recent news stories and photographs of newly arrived refugee Cubans, Haitians and Vietnamese have worried many Americans about the effect on our economy. Evidence about the effect of immigrants on the standard of living of native Americans, therefore, is crucial—and surprising in what it reveals.

In 1976 the Census Bureau surveyed 156,000 households (including about 15,000 mostly legal immigrant families) to learn about 1975 family income and welfare services. From this sample I constructed a picture of lifetime economic behavior by assuming that the information on immigrants who had been here, say, two years as of 1975 describes the representative immigrant family after two years, those here 10 years in 1975 stand for the tenth year in the U.S. of a representative family, and so on.

The services that most often catch the public eye are welfare and supplemental security, unemployment compensation, aid to dependent children and food stamps. The average native-born U.S. family received \$498 from these programs in 1975 (calculations include families getting no assistance). The average for immigrant families that arrived between 1950 and 1974 was \$548. Not much difference.

Retirement programs bulk larger. Native U.S. families received on average \$735 for Social Security, \$167 for Medicare and \$20 for Medicaid, a total of \$922. Immigrant families received a total of \$92 during the first five years, in the U.S., \$227 the second five years, \$435 the third five years and \$520 the fourth and fifth five-year periods. The difference in favor of natives is large. The reason immigrants get less Social Security and Medicare is simply because of their age. Coming to the U.S., they tend to be young and strong, as always with immigrants.

COST OF SCHOOLING

Providing school for immigrant children during a family's first five years costs slightly less than the \$859 for the average native family, because immigrants come before family completion. After that, expenditures on immigrants are higher, rising from \$1,068 to \$1,237 during the next 15 years. (The difference is not because immigrants have many children, but because the average native family is older, with many children no longer in school.)

By summing the figures we find that the average immigrant family receives \$1,404 in welfare services in years 1-5, \$1,941 in years 6-10, \$2,247 in years 11-15, and \$2,279 in

years 16-25. Natives average \$2,279, considerably more than the immigrants get during their early years in the U.S. These early years are more relevant because rational policy decisions weigh the distant future less heavily than the near future.

But what about Social Security when immigrants age? The answer depends not on entitlements or legal obligations, but on the flow of real resources from workers to retirees. The children of retired immigrants support them with their taxes, just as with natives.

If immigrants paid relatively little in taxes they might still burden natives, even with less welfare services for immigrants than for natives. We lack direct information on taxes paid, but from data on family earnings we can estimate tolerably.

Within three to five years after entry, immigrant family earnings reach and pass those of the average native family, due to the age compositions of native and immigrant families. The average native family paid \$3,008 in taxes in 1975. In comparison, immigrant families here 10 years paid \$3,359, those here 11 to 15 years paid \$3,564, and those here 16 to 25 years paid \$3,592, substantial differences benefiting natives.

Assuming 20 percent of taxes finance activities that are little affected by population size (for example, maintaining the armed forces and Statue of Liberty), consolidating the data on services used and taxes paid shows substantial differences in favor of natives: an average of \$1,345 yearly for the years 1-5, and \$1,329, \$1,535 and \$1,353 for years 6-10, 11-15 and 16-25 respectively. These are the amounts that each year natives are enriched through the public coffers for each additional immigrant family. Evaluating the future stream of differences as one would a dam or harbor, the present value of an immigrant family discounted at 3 percent (inflation adjusted) was \$20,600 in 1975 dollars, almost two years' average earnings for a native family at 6 percent the present value is \$15,800, and \$12,400 at 9 percent.

Immigrants affect the standard of living of natives through other channels too, and not all immigrant groups are alike. For example, the federal government pays \$1,000 per person to resettlement organizations to cover overhead and start-up money for Vietnamese, Russian and other refugees. This plus such costs as special refugee schooling should be deducted from the above present-value calculation for the average immigrant family. But it isn't likely that these deductions would make the calculation negative.

For illegals such as the Mexicans who cross into the U.S., the adjustment goes the other way, because illegals get little in welfare services due to their status. Department of Labor researchers David North and Marion Houston found the following proportions of illegals using services: Free medical, 5 percent; unemployment insurance, 4 percent; food stamps, 1 percent; welfare payments, 1 percent; child schooling, 4 percent. Practically no illegals receive Social Security, the costliest service of all, but 77 percent of illegal workers paid Social Security taxes and 73 percent had federal income tax withheld.

Immigrants can harm natives through capital dilution, that is, Malthusian diminishing returns caused by the presence of more workers but the same capital. If the private sector were like the government sector—where workers' pay is assumed equal to the full value of what they produce, with nothing left for the owner of the capital—

then capital dilution would indeed lower average native income. But in the private sector additional workers imply higher earnings by owners about equal to the loss of earnings by other workers, a tradeoff leaving native per-capita income unchanged.

Yet "workers" suffer as "capitalists" gain. That is, to the extent that the classes are separate, there is a transfer from workers' pockets to owners' pockets. But in fact much of our private capital is owned indirectly by "workers" through pension funds, and by way of the taxes paid on interest and dividends. Hence the loss to the "worker" class is unclear.

As to special groups of workers, especially low-income earners, the negative effect is probably less than commonly thought and may be non-existent. Nowadays legal immigrants arrive with considerable education and skills, and they enter a wide variety of occupations, hurting no occupation or income level much, even in the short run. (In the longer run, occupations on average benefit from additional jobs created by the purchases made by immigrants to about the same extent that immigrants take existing jobs within the occupations. In short, immigrants make jobs as well as take jobs.)

Mr. McCOLLUM. Mr. Chairman, this gentleman would inquire as to the remaining time.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] has 20½ minutes remaining and the gentleman from Kentucky [Mr. MAZZOLI] has 28 minutes remaining.

Mr. McCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [SAM B. HALL, JR.].

Mr. SAM B. HALL, JR. I thank the chairman.

Mr. Chairman, I rise in support of the amendment of the gentleman from Florida [Mr. McCOLLUM].

I imagine people are getting tired of this bill; I know I am. Everybody has talked on it too long. We have been talking about it for years. We started off trying to curtail people coming into this country illegally. That is the idea behind the bill primarily.

That was going to be accomplished through employer sanctions. Well, that part of it is behind us.

The purpose there is to stop the magnet, the draw of people coming here to take jobs.

Then in the middle of the bill we had a guest worker program that allowed people—and I voted for it, because I thought it had to be done—to allow people to come in under certain circumstances to work, where certain employers could not find people to work for them.

Now we come to the last issue, more or less, in this bill, and that is to allow people, and I do not think we can emphasize this too much, to allow people who are here illegally to be granted amnesty.

□ 1340

Now, let us stop and think about that just a moment. I am on this subcommittee that has been working with this bill and I cannot say enough for

my friend, RON MAZZOLI, who is the author of this bill, from Kentucky. He is an outstanding legislator. He has worked diligently and he and I just happen to have a little different opinion on this particular issue. But I cannot say enough for him. He knows I feel that way about him.

But here we are, along with other Members who are taking an active interest here today, and we are passing on the applications of people who are trying to come into this country legally every time our committee meets. Here are people who have been trying for years to come over here and come here rightfully the way people came here from Ellis Island. I do not think anybody came here illegally at that time. And I have heard that used some during this debate. They went through a process, a legal process, before they became citizens of this great Nation of ours. I think that is right.

If we say to so many million people, and no one knows exactly how many, the mere fact that you are here and the mere fact that we do not know what to do with you but to state that we are going to run you ahead of all the people who are trying to come here legally and rightfully, in my way of thinking is a bad position to get ourselves into.

Now what do we think we are going to accomplish by this? I think all of the evidence shows that since this bill has gotten to the point that it is that there has been a larger crossing of people from Mexico than there ever has been in history. They know more about what is in this bill than many of us do. I do not blame a single one of those good people for trying to come into this country. If I lived in Mexico I would want to come over here too. But that does not get us away from the proposition that they are here on an illegal basis.

Now if we grant the relief that this bill calls for, does anyone within the sound of my voice think that we are not going to be doing the same thing over again within a period of less than 5 years? We know, if we are truthful with ourselves, that we are going to be going through this same charade within a period of 5 years.

Now the Attorney General of the United States has the power and all he has to do is utilize it and use it to start granting some relief to people who have been here not less than 7 years, if they meet certain qualifications. What is wrong with that? Why should a person not, who is coming here, be required to meet some kind of requirement. That is what the Attorney General is here for. He has the right, he has the duty, he has the responsibility to do it.

Now you might say well, he cannot do it overnight. No he cannot do it

overnight. These 10 million people did not come here overnight either.

I think that we are down to the point in this bill and I hear Members say, if you vote this out, I am going to vote against the bill. I think that is a bad position to take.

I urge the approval of this amendment.

Mr. MAZZOLI. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment. I fully agree that the legalization is the other lobe of the heart of Simpson-Mazzoli. In spite of the fact that this bill in its present form is contradictory and is still far from immigration reform, I believe that legalization is the only positive measure in the bill. Without it, the only things left are legalized exploitation and the protection of special interests under the H-2 Program.

Legalization will make Simpson-Mazzoli more respectable as it will legalize thousands of undocumented. That is, of course, if they happen to qualify under the restrictions that have already been imposed by this House. The people who will be legalized are people who have come from all over the world, from Europe, from Asia, from Canada, from Latin America, almost on an equal basis. But if they qualify they will be legalized.

I urge my colleagues to vote against this amendment that is now before the House.

Mr. MAZZOLI. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Chairman, I rise to oppose the gentleman from Florida and his amendment to strike amnesty from this bill.

Moreover, I rise to refute his arguments that we as a nation would not deport the millions who would stay here. History is replete with the incidence of mass deportations when and where the INS or when the mood of this Nation so dictates.

I commend the gentleman from California [Mr. DELLUMS], my colleague, for providing a historical perspective of the Southwest in describing the settlement by peoples indigenous to the land, Indians, and Spaniards. The subsequent colonization by Mexico. I am a byproduct of that cultural heritage and perhaps that is one of the reasons we often stand up to decry what we see as an injustice, but by the same token I am an American. We crossed no ocean to get here, only a river. My father and his father crossed that river. They came to work because there was a demand for their labor.

My father came back and forth as a laborer working the arduous and dangerous work of the copper mines in Arizona. He and others enriched the coffers of Anaconda Copper and the Ari-

zona Mining Co. His labor added to the productivity of this Nation. He paid taxes and raised a family. Until, until, a depression hit this Nation.

Then as today the hue and cry was that the foreigners are taking American jobs. So they rounded them up like they do today and they deported him back across that invisible border. I cite the words of Woody Guthrie, which is appropriate at this time in history:

My father's own father he waded that river;
They took all the money he made in his life;
My brothers and sisters come working the
fruit trees

And they rode the truck till they took down
and died.

Some of us are illegal and some are not
wanted,

Our work contract's out and we have to
move on;

Six hundred miles to that Mexico border,
They chase us like outlaws, like rustlers,
like thieves.

We died in your hills, we died in your des-
erts,

We died in your valleys and died in your
plains;

We died neath your trees and we died in
your bushes,

Both sides of this river we died just the
same.

REFRAIN

Goodbye to my Juan, Goodbye Rosalita;
Adios muy amigo, Jesus and Marie,
You won't have a name when you ride the
big airplane

All they will call you will be deportees.

My mother left with my brother and
I, my grandmother, wandered
throughout the Arizona countryside,
Bisbee, Globe, Miami, Inspiration,
looking for work.

Finally, thank God for the WPA, we
moved to California.

The great Second World War was
upon us and my father did come back
as a field hand, not as a lawbreaker,
because his labor was in demand. He
joined the U.S. Army and he served
with valor and distinction and because
of that he was given amnesty.

What is amnesty? Simply, where a
government pardons a person or a
group of people for something they
are not responsible for.

Had there been amnesty in 1933
think of the anguish and the hurt that
we could have prevented. Think of the
breakup of families that was not nec-
essary. I am a son of a deportee and I
empathize with those who are here,
who have been here and been produc-
tive and paid taxes and raised families
and given sons and daughters in the
cause of protecting this Nation. They
need legalization now which is, just
and fair.

I dreamed some day that I might
stand in the well of this great House
and appeal to my colleagues to reject
this kind of amendment, as I do so
now.

Mr. McCOLLUM. Mr. Chairman, I
yield 1 minute to the gentlewoman
from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman,
I rise in support of the amendment of-
fered by the gentleman from Florida
to strike amnesty from this immigra-
tion-reform legislation.

Although I recognize the delicate po-
litical balance which has so character-
ized the development of this badly
needed reform effort, I cannot support
a provision which, on the one hand,
grants citizenship to those who have
willfully broken the law, and, on the
other hand, slaps the faces of those
who have waited patiently, and often-
times under extremely difficult cir-
cumstances, to gain legal entry into
this great Nation.

In addition, I am deeply concerned
that amnesty will send a clear message
to millions of immigrants that the
United States is not serious about en-
forcing its immigration policies, there-
by encouraging others to enter illegal-
ly. Furthermore, there is the potential
for an enormous and undeterminable
amount of taxpayer expense which
may be borne at every level of govern-
ment as a result of legalization.

It is my understanding from one es-
timate made by the National Associa-
tion of Counties that the first-year
cost of an amnesty to State and local
governments alone would be \$547 mil-
lion. Last year, using the qualifying
date of January 1, 1980, the Congres-
sional Budget Office estimated the
first years of an amnesty would cost
the Federal Government \$5.6 billion.

Although this amendment would
delete amnesty from the bill, a vote in
support of the amendment is still a
vote in support of legalization. This is
because section 302 of the bill extend-
ing case-by-case eligibility—registry—
for permanent-resident status to any
illegal able to prove residence in this
country prior to 1973 would be left un-
disturbed.

I feel registry should be recognized
as the better alternative to amnesty.
Registry would legalize only people
who have not committed a serious vi-
olation of U.S. laws and who have long-
established ties to this country. Proce-
dures and regulations governing the
registry process are already in place.
Registry is the traditional, generous,
and proven method the United States
has in dealing with the legalization
problem. It should be the method
adopted today.

□ 1350

Mr. MAZZOLI. Mr. Chairman, I
yield 5 minutes to the gentleman from
New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I guess
this is the last major hurdle before we
get on to the business of voting for
final passage of the Immigration
Reform Act.

I would just like to take a second
and say to my colleague from Ken-
tucky and my colleague from Califor-
nia, that I guess the greatest part of

this Congress is that, while we have
moments of disagreement, the most
important part is that our voices are
heard, whether we are for or against.
And so in that light, I would say to my
colleagues, Mr. LUNGREN and Mr. MAZ-
ZOLI, that it has been a long 7 days,
but we will be voting on final passage
very shortly.

I think I could not have summed it
up better than did my colleague from
California, a Member of the U.S. Con-
gress, who stood in this well and spoke
dramatically about his family and his
life. He was able to point out to so
many of my colleagues the hurt and
pain that many of them have never
experienced.

My parents were born U.S. citizens,
as was I; yet, I understand what it is to
not be able to go from one street to
another because I am a Puerto Rican.
I understand what it is to be asked to
leave a playing field because I am an
Hispanic; many of my colleagues have
never felt that, and thank God that
you haven't. But for those of us who
have understood it and have felt it, I
believe it gives us even more strength
and understanding to talk about dis-
crimination and the pain it causes.
The spirit is hurt profoundly. What
we are trying to do is to take the 1, or
2, or 3 million, or whatever the
amount, of undocumented persons and
allow them to walk in the sunlight, to
give them a chance to come forward,
to say to each and every one of them,
"Yes, you now have an opportunity,
like our parents, like our grandpar-
ents." There will be many who will
come forward and take advantage of
the opportunity. But do you know
something? Home always calls. Many
of these people will eventually go back
to settle, to retire in their own coun-
tries—they're no different than many
of us.

So I say to all my colleagues, vote
against the McCollum amendment,
give people the right to a little dignity,
give them the right to come out of the
shadows, give them the opportunity to
enjoy what we have enjoyed all our
lives.

The McCollum amendment is a step
back. The McCollum amendment rep-
resents all that we have been fighting
against for many years.

So on behalf of those many people
who do not have a voice, who do not
have a Representative here, I ask you
to vote for them and to vote against
the McCollum amendment.

Mr. KEMP. Mr. Chairman, will the
gentleman yield?

Mr. GARCIA. I yield to the gentle-
man from New York.

Mr. KEMP. I have been watching
the gentleman from New York, my
colleague and friend Mr. GARCIA,
today and over the past few days, and
I just want to say that I think that
this is his finest hour. He has handled

himself throughout this debate with great dignity and compassion and as he has spoken from his perspective, he has helped give us a view of this country that makes me proud.

This bill has been debated long and hard, and we have people on both sides of the many issues and numerous amendments. But the gentleman from New York reminds us that we really are one country, one family, that we do have a stake in each other's welfare, and certainly the gentleman has raised the consciousness of this body as probably few have done to the recognition that the people who have come to this country, including those from Europe, and Asia, and Africa, or Latin America and the Caribbean are as good Americans as there are, and that they have contributed greatly to the wealth and potential of this Nation and I just want to say to him how much I appreciate his efforts and his consideration and his eloquence on what it means to be an American. We must be sensitive to the issues he has raised and to share his concerns and plan to vote against the bill.

There are some components of this legislation that I support. I support the legalization of those undocumented workers who have been in this country since 1982 and who are making an attempt to lead their lives as Americans, making significant contributions to our Nation and enriching our national culture and heritage in so many ways. I particularly support the inclusion of Cuban and Haitian refugees in this provision; refugees who fled to our shores seeking shelter from repression and misery and who now, under the legalization measures adopted in this bill, will become permanent resident aliens in the United States.

But the notion of sanctioning employers who have hired aliens is one that I find very troubling, not only because of its imposition of wide-ranging enforcement responsibilities on every employer in this country—the overwhelming majority of whom are not breaking any law, but more importantly because it assumes the mentality that one person's prosperity, in this case the illegal immigrant's, is only won at the expense of another.

This myth is a dangerous one, not only as it relates to the issue of immigration reform, but in its effect on the wider questions of global poverty and prosperity.

Immigrants don't take jobs and wealth away from Americans. Immigrants create jobs and wealth, as consumers of American goods and services and entrepreneurs beginning small businesses, which are the major source of new jobs for all Americans. Immigration is not a zero-sum proposition. Studies show that immigrants to this country, whether they are legal or illegal, are educated and self-reliant people who are far from a drain on our

economy or our social services. The illegal immigrant rarely takes advantage of any social service because of the fear of detection, although they pay Federal income taxes and Social Security taxes. Legal immigrant families, far from being welfare burdens, out earn native families within 5 years.

The notion that illegal aliens are a drain on the American economy ignores the very reason why they are immigrants. These people have fled their homes, leaving behind their own cherished families and communities, because the policies of the nations of their birth have not been directed toward growth, job creation and prosperity. People do not flee prosperity and freedom, they flee poverty, oppression and tyranny.

The single greatest effort which the United States can make to curb illegal immigration is to export the American idea of individual initiative and economic prosperity. If the economy of Mexico had been growing over the past 2 years at the same rate as our own there would be little movement across the border. If instead of following the austerity programs of the IMF to actually shrink the Mexican economy by 3.5 percent the Government had encouraged investment and the free flow of capital, Mexico would be retaining its own people as well as absorbing some of those from elsewhere in Central America. The same argument holds throughout this hemisphere and throughout the world.

Many people in this body and around the country feel an overwhelming need to do something about immigration. I agree in part that our current immigration law needs reform. It is complicated, and has not been amended since the major problems began. It was designed for simpler days with the compassion and freedom in mind that underlies American values. But, the changes which should be made should expand these values not become a basis for repression of those who cherish freedom and a brighter future for their children. With hundreds of thousands of people fleeing their homelands each year, running from oppressive governments and searching for human rights, I think that to find these people on our doorstep is the greatest of compliments, not a burden to rid ourselves of, and we should be proud of our country as our friend from New York has reminded us.

Mr. GARCIA. I thank the gentleman for his comments.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. LUJAN].

Mr. LUJAN. Mr. Chairman, I rise in support of the McCollum amendment. The amnesty provisions of this bill are really unfair to those law-abiding people who have waited patiently for

legal entrance into the United States. Many thousands of people have waited their turn in line to enter this country and because they are law abiding, we say to them—wait longer. On the other hand, if someone came illegally, we say well done, we will reward you and make you legal.

Mr. Chairman, by striking the amnesty provisions, we would be left with an updated registry date, which would allow the Attorney General to grant permanent residency on a case-by-case basis to illegal immigrants who have been in this country prior to January 1, 1973, who are of good moral character, and who have not committed any serious violations of U.S. law. The registry process is already in place. We would not have to implement a new process which everyone admits will bog down.

Mr. Chairman, the Simpson-Mazzoli bill as a whole is headed in the wrong direction. With deference to those who have worked for a long time to craft a bill they believe is fair and equitable, in my opinion, it is not. The following letter that I received from one of my constituents, illustrates, in part, why. My constituent, Yolanda Apodaca from Albuquerque, wrote:

On September 4, 1983, our family was traveling by car to Silver City, New Mexico. We were stopped at a road block on Interstate 10 and we were asked to declare our citizenship. Not having done anything wrong, we were momentarily stunned.

When we regained our senses, the border patrol officer still stood there waiting for our responses. My husband answered tersely, "American citizen." The officer then stared at me and waited for my response and he proceeded to do the same with my husband's parents. We drove away in silence, angry, indignant, and humiliated.

I hope my fellow Members can appreciate her feeling. She told me: "We did nothing. We were treated this way because of our appearance."

It is toward this type of situation that I believe this bill is directing us. And I don't think it's difficult to imagine what a tragic effect this bill has the potential of creating and imposing on many citizens of the United States.

□ 1400

Mr. MAZZOLI. Mr. Chairman, with great pleasure, I would delight in yielding 5 minutes to my friend and colleague, the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Chairman, as everyone knows, as we are debating this bill, we have an ongoing renovation of the Statue of Liberty. It sits on the east coast calling to those huddled masses from other shores to come here to try to find if they can make it in this world. Even though the real action on immigration has changed from the east coast to the Southwest border from some years, the fact of the matter is, I do think that we still

agree with the words that are on the Statue of Liberty: "Give me your tired, your poor, your huddled masses yearning to breathe free."

The fact here is as we reconstruct or reinforce the State of Liberty in New York, we are about the business of reconstructing or reinforcing our legal immigration system here. Many of us came to this task with preconceived notions that any thought of some sort of legalization program could not be accepted because in some way we would reward those who had violated the law. I certainly was one of those.

Looking at this for 6 years, I have come to another conclusion, and that is that legalization is absolutely necessary for the large majority of those people who are here illegally, from a couple of standpoints. One is just practical, and that is this Congress will not permit that which would be required in order to round up all these people and send them home.

Sure we say that some would go back home over the years, and of course some would voluntarily, but we would still have the large underclass in the United States living in the shadows of our society and outside the scope of our laws. That is something that we cannot deny and that we must address.

From a moral standpoint, it seems to me, we have to recognize that we have not enforced the law. This Congress has not enforced the law. Prior administrations have not enforced the law; not because they intended not to enforce the law, but because they never did that which was necessary. We in effect said, do not dare cross this border, it is in violation of the law, and then we winked at these hundreds of thousands if not millions of people who came here. In fact, in some ways, it satisfied our labor needs. As a result, we have allowed to grow up here, a large underclass of people who in many ways act as citizens but do not have the protection of the law.

The American people recognize that. The Field Foundation poll taken in California in the summer of 1982 showed that the vast majority of the people polled want us to enforce our laws and deport those who are here illegally. But then they immediately say when asked the question: "If these people have been here 5 years or more should we legalize them?" an even greater percentage in all categories, say yes.

Some call that schizophrenia; I would say it is just a rational, commonsense approach that the American people find to be appropriate under the circumstances. In most cases, Members here come before our subcommittee and ask for our indulgence to support a private bill. We had over 180 Members in the last Congress who had private bills. We had far more than that in the previous years, be-

cause they did not realize how tough our subcommittee was going to be.

I tell my colleagues: Every single private bill you have introduced is a limited amnesty, is a limited legalization for one individual. What we are saying is that the problem is so vast we must deal with it in a single decision.

Most of the American people know illegal aliens as someone who may work for them; may work in their home, may work in their business. More likely they go to church with them. They live down the street from them. Their child knows them in some sort of other setting, and they know that most of them are good, decent people who have come here to work and who have assisted in our society.

So I would say and I would especially plead with Members on the Republican side of the aisle: Look past the initial reaction you have against this type of legalization because you fear it is blanket amnesty. I do not think we have blanket amnesty in this bill. I would have preferred my version, but I think what we have in the bill is preferable to the amendment of the gentleman from Florida.

Let me just end by citing an editorial that appeared on June 9 of this year in the San Diego Tribune. That is a newspaper which is known for its conservative stance, and it talks to those people right on the most heavily traveled border in the world. This is what they said:

Employer sanctions and amnesty are the two key provisions of the Simpson-Mazzoli bill. Without them, you do not have immigration reform, you have a travesty. Amnesty without sanctions would flash a green light to exploiters to keep hiring and illegal aliens to keep coming. Sanctions without amnesty would flash a red light of vindictiveness, leaving millions of people in a no-man's land of illegality.

I do not suggest that the gentleman from Florida intends that. I have worked very closely with him on all sorts of issues in the area of refugees and immigration. But I do believe we will make a major mistake if we eliminate legalization from this bill.

Mr. MAZZOLI. Mr. Chairman, I had just yielded to the gentleman from California. May I inquire of the Chair how much time I have remaining?

The CHAIRMAN. The gentleman from Kentucky [Mr. MAZZOLI] has 13 minutes remaining, and the gentleman from Florida [Mr. McCOLLUM] has 11½ minutes remaining.

Mr. MAZZOLI. Mr. Chairman, the gentleman from Kentucky is down to two speakers, the majority leader and himself.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. SHAW].

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman.

Mr. ROTH. I thank the gentleman for yielding. With every law this

House passes it also endorses some policy. That is why this amendment is so necessary.

To endorse blanket legalization—amnesty—for millions of illegal aliens in this country would be unfair to the American citizen and to those people who have waited patiently—endlessly—to legally immigrate to the United States.

I do not want our future legislative efforts to be jeopardized by granting blanket provisions that in the long run will weaken respect for and obedience to the laws of this country. The fact is that there are workable alternatives to blanket legalization which this body can adopt which will not weaken respect for our laws.

I share the concern that legalization will act as a sign to attract many, many more illegal aliens to our land. How unfortunate it would be if a well intentioned amnesty provision encouraged aliens with the idea that they could fool the authorities about the length of their stay. As the bill now stands there is no realistic way to confirm the exact length of stay. The purpose of this bill is to gain control over a problem that has grown at a tragic, exponential rate. We should adopt measures that will once and for all put our legalization process on the proper path.

I also support this amendment for the simple reason that it would be unfair to those who have legally abided by the law. There are many who have been waiting years to come to this country. They have conscientiously respected our laws, many times undergoing great hardship.

Fortunately we already have a mechanism in place to provide a more realistic and affordable solution to the problem of those aliens who are already here and are recognized as productive and desirable additions to our population. These individuals are well on their way to becoming citizens of our Nation. The McCollum amendment will permit us to utilize that mechanism.

I am concerned about the indeterminate amount of taxpayer expense which may be borne at every level of government as a result of legalization. I have not seen many figures that realistically evaluate the impact of legalization on our taxpayers. Is it wise to entertain such an idea when we have not fully determined its impact? I think not.

I support this amendment which provides a middle ground between a blanket approach and the opposite, an equally undesirable alternative.

Mr. SHAW. Mr. Chairman, I rise in strong support of the McCollum amendment. I do so, however, with mixed emotions on the outcome of this vote. I have listened carefully to the debate; I have listened to the gen-

tleman from New York, the gentleman from California, the gentleman from New Mexico, and the last gentleman from California who spoke of his personal remembrances as part of a family that would have qualified under this particular amendment had they been in illegal status today.

The argument has been made that these are good people; they are hard-working people; they are deserving people, and that argument is correct. However, there is a world full of people that would fall into that definition. I saw them in refugee camps in the jungles up close to the Cambodian border. I have seen them in my own home district in south Florida. You can find them all over this country. You can find them all over this globe.

We are the richest, most prosperous country that has ever occupied the face of the Earth. Most of the world would like to live here. Most of the world would like to share in what we have. If we were to open our borders, that quality of life would be gone forever. And the quality of life that we know today would be gone for our children, our grandchildren, and all generations to come.

There is a flood coming. There are problems in our hemisphere, and that flood is going to be of refugees who are flocking to the United States. I think it is imperative for the future of the United States that we make the strongest pronouncement that we can in this immigration bill; that we make the pronouncement that we have an immigration policy in this country; that it is one that is being strengthened; one that is going to be enforced; and one for which there are going to be no exceptions.

This is the way that we must go. It has nothing to do with the deserving status of those that I am talking about because they are indeed deserving. It is about the future of this country. It is about our children, our grandchildren, and their grandchildren.

□ 1410

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I support the amendment offered by the gentleman from Florida [Mr. McCOLLUM] out of a respect for the proposition that has been advanced several times in the debate thus far, and that is that not to adopt the McCollum amendment would mean that thousands of people who are waiting patiently in nations around the globe to be processed for the ordinary and regular immigration policy standards that are now in effect will be jeopardized, I daresay set back for a generation, before they would be eligible for emigration to the United States from their respective countries.

I, myself, as many of my colleagues who are Members of Congress, am a product of a sane and reasonable immigration policy. My parents came to this country because the United States had at that time, and still does, a reasonable, justly fashioned immigration policy. They waited their turn. They came to this Nation because they sought freedom. They sought freedom of opportunity, and they sought a better life for themselves and for whatever their progeny might have ambitions to gain.

If, today, we do not adopt the McCollum amendment there will be future generations of naturalized American citizens who will be robbed of the opportunity to contribute to this country and to carve out that future for themselves that the Statue of Liberty beckons and guarantees. That is justification alone for considering a vote in favor of the amendment on the floor at this time, but there is a further bit of support that comes directly from the populace, directly from the American citizenry.

Mr. Chairman, I endorse the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, may I again inquire of the Chair, as we count down, what time is remaining?

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] has 6½ minutes remaining and the gentleman from Kentucky [Mr. MAZZOLI] has 13 minutes remaining.

Mr. McCOLLUM. We are each down to our final two. At this time, Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. HANCE].

Mr. HANCE. Mr. Chairman, I was very impressed with the statement of the gentleman from New York [Mr. GARCIA] as well as the statement of the gentleman from California [Mr. TORRES]. I think they pointed out some real questions and real concerns about some of the individuals who are here illegally.

I also say that if this amendment is adopted, there are still other ways that people who are undocumented workers can address the issue of documentation, legalization, amnesty, or whatever one wants to call it.

I still say that this amendment and this bill comes back to being a jobs issue. I think amnesty will truly hurt the most vulnerable in our society. The people that it is going to affect the most are going to be those people who are unskilled laborers, the people who do not have a profession, the people who are blue-collar workers.

If we grant amnesty, we are going to see that jobs of skilled workers are taken away. I noticed in the Washington Post, that there were three people who were illegal aliens who were apprehended less than 10 blocks away from the Capitol, and they were work-

ing on some type of paving project and making \$8.40 an hour. There are a lot of citizens of the District of Columbia who would love to make \$8.40 an hour.

No matter how you look at it, no matter what study you look at, there are jobs that are being taken away from American citizens. The thing that I mentioned yesterday is, the most thought-provoking statement that was said to me about this bill during the last 6 months. An individual came up and he told me, "You know, if undocumented workers were taking jobs away from lawyers, and doctors, and bankers, and Congressmen, Congress would have done something about it a long time ago," and I think the gentleman was right.

It is the truly most vulnerable who will be hurt if this amendment does not pass.

An individual in Texas summed up this legislation when he said, "You do not invite someone to dinner when you cannot feed your own family." Let's take care of American citizens first a vote for the McCollum amendment, will do just that.

Mr. MAZZOLI. Mr. Chairman, it is the privilege and pleasure of the gentleman from Kentucky to yield 5 minutes to the distinguished majority leader of the House, the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, we need to focus very clearly on the choice that is before us. This is not a choice between blanket amnesty and law enforcement, as some would have us believe. This is not a choice between blanket amnesty and anything; it is a choice between a conditional, reasonable, responsible, case-by-case legalization program on the one hand, and the status quo on the other.

My distinguished friend from Texas [Mr. HANCE] suggests that it is a jobs issue. He suggests that unless we pass this amendment, which would wipe out all opportunity for anybody to be legalized, we will be inflicting some injury upon American workers. I suggest that just the reverse is the case. If we perpetuate this subclass of people in a shadowy, inferior status where they are subject to exploitation, vulnerable to blackmail, then we do undercut wages, and depress working conditions.

If we maintain this present status quo, we are inflicting graver harm upon American workers than if we provide some reasonable, legal, responsible means of making everybody abide by the wage and hour laws.

We need to look at the question of what kind of a country we want to be. There are two basic kinds of societies. One is the society that builds walls; the other is a society that builds bridges. Throughout our life as a nation we have been a bridgebuilding society. The bridgebuilders are those

who are inspired and motivated by hope. The wall builders are those who are motivated by fear.

In the third century before Christ, the Chin dynasty in China built the world's longest continuous wall. That was because they feared foreign influence. They languished behind that wall for 1,800 years and fell far behind the rest of the world because they had hermetically sealed off the new inventions, the new ideas, the new discoveries that were emerging and thriving throughout the rest of the world.

We have not been that kind of society, thank God. We could not enforce present law, given the set of conditions that exist south of our border. Anybody who ever has witnessed the Mexican-United States border as it winds its tortuous way along the Rio Grande River through the Big Bend district of Texas, or looked across that invisible border which bisects mountains and deserts of New Mexico and Arizona, would realize that it is utterly impossible ever to hire enough people to guard the border. There is no physical way to keep people out, unless we wanted to build a wall, like the Berlin Wall, and become that kind of an insular, insulated, fearful society. That is not characteristic of our country. We are not going to be that way.

So the question is: Do we allow this present festering situation to continue, or do we give some hand and say, "Look, you people have come here out of desperation. Your only plea is that you be given an opportunity to work, to earn a living, to support your families. We are going to be, as we have ever been, that country which provides a refuge and a sanctuary for those who need it. You are here now. We give you our hand, and with it an opportunity to improve yourself and lift yourself and be a part of our society."

We either do that or we perpetuate the present situation, which truly is depressing wages. The present situation truly is offering unfair economic competition against the lowest levels on our economic spectrum of American citizens.

□ 1420

So that is our choice, and I think our choice should be, as it always has been except in rare instances, that of the bridge-builder, not the wall-builder. We built a wall at one time to our eternal shame. In the 1930's, those fleeing the pogroms of Nazi Germany came to many countries seeking admission—boatloads of citizens, people, refugees fleeing the awful persecution in the world. We, along with other countries, closed our ports and gates to them. Rejected by all nations, they returned to Nazi Germany, and many of them died in the Holocaust at places like Buchenwald.

This is not what anybody is suggesting today, but it is a chapter in our history of which we are not proud. We are proudest of those chapters which were best described by Emma Lazarus on the Statue of Liberty, and it seems to me that describes the kind of country we want to be today.

THE CHAIRMAN. The time of the gentleman from Texas [Mr. WRIGHT] has expired.

The Chair now recognizes the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I have remaining and may consume.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I am glad to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding, and I rise to compliment my colleague, the gentleman from Florida [Mr. McCOLLUM], for the outstanding leadership he has shown throughout this entire matter relative to immigration reform. I also rise in strong support of the gentleman's amendment which is presently pending before the committee and which would delete the provision in the bill granting amnesty to all aliens who entered the country illegally before 1982.

Granting amnesty to these aliens would not only reward those who entered our country illegally, but would penalize those who desire to become U.S. citizens and who have followed the proper procedures but have been denied citizenship for one reason or another. Amnesty for millions of illegal aliens would make a mockery of our immigration laws and would be a severe injustice to those seeking citizenship legally.

I introduced legislation last year expressing my opposition to any proposal seeking to provide amnesty to an unknown number of aliens. Estimates vary widely for the number of immigrants who would become citizens of our country under the amnesty provision being considered. There are currently anywhere from 2 to 6 million illegal aliens now in the United States.

Granting them citizenship through amnesty will be an open invitation to future illegal aliens to come to America where it would appear that immigration laws are made to be broken. They will come to our Nation hoping that even if they do not qualify for citizenship, they someday will be granted amnesty. Instead of improving the situation, granting amnesty will only exacerbate the problems facing our immigration and border patrol officials.

Although I oppose this particular provision, I strongly believe in the need for comprehensive immigration reform legislation. Our current maze of immigration rules and regulations is the result of a piecemeal legislative ap-

proach to the many immigration problems that have occurred since the Immigration and Nationality Act was enacted in 1952.

Our Nation is a land of immigrants who sought refuge here over the years because the United States offers freedoms and opportunities that are not available in other parts of the world. Americans should be proud to know that millions of people from other countries hope to someday become citizens of the United States so they can fulfill their dreams. The pressure that has resulted from this great demand for citizenship is the cause for many of our current immigration problems.

I support provisions in the Immigration Reform and Control Act of 1983 which will help improve our immigration procedures while at the same time continuing to ensure that those who come to our country do so legally. Establishing sanctions against employers of illegal aliens is one means.

Another method is through the establishment of a U.S. Immigration Court that would expedite and improve exclusion and deportation procedures for undesirable aliens living in the United States. I have cosponsored legislation in the past to establish such a court and am pleased that it has been included in this immigration reform legislation.

Mr. Chairman, as a Representative from Florida I can attest to the great demands that have been placed on our State, county, and local governments by the flood of illegal immigrants. Our State's schools, hospitals, and correctional facilities are all feeling the burden of the recent influx of Cubans and Haitians. There is no denying that these people have good reason to seek citizenship in the United States but it must be done legally and the legislation before us today is urgently needed to more efficiently process those seeking to become citizens legally but it must not reward those who seek to do so illegally.

● Mr. SHELBY. Mr. Chairman, efforts should be focused toward fashioning a humane and compassionate response to the problem of immigration, but not at the expense of our own citizenry.

Our primary commitment should be to our own poor unemployed and underemployed who are jobless and desperate in many cases, through no fault of their own.

Legalization is unfair to the thousands of potential immigrants waiting years to enter this country legally. We are rewarding those who blatantly flaunt our immigration laws and punishing those who would follow them.

The argument which propounds legalization as the only means to eliminate a frightened subclass in our society is unfounded.

Legalization under this bill creates a situation whereby those who cannot prove residency prior to 1982 will remain illegal. This in essence is a subclass within a subclass.

The potential for major disruption of our population is serious. The range of the number who would come forward for legalization is between 2 and 12 million—if 6 million legalized aliens each eventually brings in 2 immediate family members, there would be a rapid increase of an additional 12 million new immigrants in a few years. Petition for relatives to join citizens of the United States is commonplace—it is a nearly invisible element of immigration policy because their relatives are not counted against a country's quotas of permanent visas.

The promise of citizenship through amnesty encourages more illegals to enter the United States either in the belief that they can fool the authorities about the length of their stay or in anticipation that there will be future grants of amnesty if we've done it once before.

Amnesty creates a potential for continued—decades—enormous and undeterminable expense at every level of government.

Primary sources of illegal aliens are countries in which fertility rates now rank among the highest in the world. In Mexico alone, there are more women of childbearing age than ever before.

I want to share the following editorial that appeared in the Wall Street Journal on Tuesday, June 19, with my colleagues in the House.

[From the Wall Street Journal, June 19, 1984]

COURAGE NO, HYPOCRISY SI

The Simpson-Mazzoli immigration bill rolls on through Washington's election-summer dank. In a sure danger sign, congressmen have pretty much decided they must "do something." Ronald Reagan agrees, saying a country must "control its borders." Liberals say the bill will end the "exploitation" of aliens. Anyone with a whiff of commonsense knows that it will do neither of these things.

Well, Simpson-Mazzoli will do *some* things. Its amnesty provisions will prove the wisdom of immigrants who managed to get here early, and encourage future immigrants to come in hopes of an amnesty repeat. It will widen the federal deficit by a few billion dollars to pay for welfare benefits for aliens now ineligible for federal programs, in the process probably slowing down their rise up the income and social scale. It will increase the burden on our Hispanic citizens by encouraging employers to shy away. It will probably throw away the Reagan administration's opportunity to court Hispanic voters; Walter Mondale, Gary Hart and Jesse Jackson all oppose the bill. And since there is no way the immigration service can police every job in the nation, it will conjure up selective law enforcement that will cause employers no end of mischief.

As a test of this latter point, note well that among the things Simpson-Mazzoli will

not do is apply to Congress when Congress acts as an employer. Congress has thoughtfully exempted itself from such legislation in Title VII of the civil-rights laws—a position confirmed by parliamentary maneuvering during the Simpson-Mazzoli debate.

Which got us poking into the immigration mores of Washington. We got to wondering whether anyone in Congress or the Justice Department or the State Department might have an illegal alien as a maid or cleaning lady. Our research discloses we may have underestimated these worthies. Consider Washingtonian magazine's description of the city's domestic-servant market: "The more beneficent employers assist their employees with the laborious process of applying for legal status; others simply exploit them until they are caught."

Better yet if you can exploit them with the law's help. "If you're going to get involved with the documentation of a foreign worker, make sure you can hold on to that person for a while," Washingtonian warned in its February issue. Or get your servant a green card but mislead him about what that means. "Many aliens are so grateful that they will work many years for a family without demanding the minimum wage," says one expert. Naturally, with its understanding of how to use the law, Washington is the capital city for this market: Washington-area agencies providing domestic help, the magazine reports, are sought out by "families in Iowa, Illinois, and England." "I don't know how to answer that," he said. His check revealed that criminal penalties for private employers (in the Senate bill) would not apply to sitting congressmen. Similarly, he reports, the paper-work provisions that will be heaped on employers "would not apply" to those with fewer than four servants. So it's OK to "exploit" two or three domestics.

What about actual congressional staffs? We called Sen. Simpson, Reps. Romano Mazzoli and Dan Lungren to see if they employ any illegal aliens now, and to ask how passage of the bill might change their own hiring procedures. None knew. Do you have any illegal aliens on your staff? We asked a Mazzoli aide. "No." How do you know? "I don't think they'd be on his staff if they were illegal." Are there any checking procedures? "Not that I know of." Well then how do you know? "I guess I don't know." Sen. Simpson's aide mused over covering Congress itself: "Those are very good questions. In four or five years of hammering on this thing, no one has ever asked."

It seems elementary fairness that if Congress is going to run around making mischief for the rest of the nation it shouldn't exempt itself. Better, it should recognize that if it must exempt itself, something is wrong. Anyone who glances at what immigrants go through to get themselves "exploited" here ought to recognize that Simpson-Mazzoli is not going to change anything much, and that Congress ought not to make a difficult problem worse.

● Mr. FAUNTROY. Mr. Chairman, I rise in strong opposition to the amendment offered by my colleague, Congressman BILL MCCOLLUM, that would strike all legalization and legalization assistance. This amendment offered by my colleague is uncharacteristically mean spirited and would leave us with a vast underground population, easily exploited. This amendment makes no sense, particularly in a district such as I represent, which has a large popula-

tion of undocumented workers. The civil health of such districts requires a fair, workable legalization program that offers the future possibility of efficient and targeted enforcement on new flows of undocumented workers. The nonalternative offered in this amendment would leave only two options: First, we could continue with a large underground population outside of our laws, or second, we would be faced with the nightmare possibility of police state sweeps in our communities in order to deport the undocumented workers amongst us. This is clearly intolerable and I know that my district and that of many others in this body would not tolerate such a situation. I would hope that my colleague from Florida would withdraw this amendment.

● Mrs. LLOYD. Mr. Chairman, I strongly support the McCollum amendment. I believe we must strike from the bill legalization for the millions of illegal aliens presently within this country. While I fully appreciate the difficulties involved in deporting illegals, amnesty is not the answer and I cannot support language in the bill which, in effect, rewards those who have managed to evade the law for 2 years. The bill is unfair both to immigrants and to taxpayers. Many immigrant applicants have been waiting years for citizenship. They have complied with the law and yet, under this bill, we would punish those who have followed the requirements and given resident status to those who did not. Furthermore, I have not been convinced that amnesty will not result in even greater numbers being drawn to our borders. It seems logical to conclude that thousands have been, and will be, encouraged by our consideration of amnesty with the hope that they might be able to demonstrate the required length of stay. I fear that we will be sending a signal to the millions who desire to enter this country that, when the problem becomes difficult in the future, we will simply approve legalization once again. Aliens will continue to cross our borders hoping, with our encouragement through this bill, that they will one day be granted amnesty. But it will be citizens and taxpayers who will bear the ultimate burden. The costs will have to be absorbed by government at all levels at a time when most jurisdictions are already cutting back programs and the Federal Government is facing an enormous deficit. Clearly, the work force will be affected. With job opportunities already limited for many Americans, a labor pool of aliens will be a source of competition for our citizens, a competition they cannot hope to win in many circumstances. We must demonstrate that we are determined to enforce our immigration laws or we cannot hope to discourage illegal

aliens. And we must discourage them from coming to our borders in the first place if we are to come to terms with this problem. Granting amnesty to millions who can document that they have been in this country continuously since January 1, 1982, is not the way to do it.●

Mr. McCOLLUM. Mr. Chairman, reclaiming my time, I think that we have been through a long and somewhat tortuous ordeal, debating the whole bill and certainly today debating this most important question of whether we strike legalization from the bill or we leave it in. It has been all along for 4 years my contention, and it remains so at this moment, that this bill as it stands now without striking legalization is an unfair bill. It is a bill that is unfair to the millions and millions who have been standing in line for years to come into this country legally. It is unfair to the members of the American public who in this particular case are going to find themselves, if we grant legalization and we do not strike it from this bill, rewarding lawbreakers and making a mockery of our laws for legally proceeding under the legal immigration laws of our country.

Unfairly, if we leave legalization in here, we are putting a magnet back in this bill that in large measure nullifies the employer sanctions which were designed to cut the magnet of jobs that draws people across the border, because legalization, on the other hand, if we would leave it in the bill, would in fact draw considerable numbers across the border in hopes that they might come in under this amnesty or that they might be given amnesty at some future date.

The attendant hidden costs that are here in this bill are unfair to the American people. We know at least that the costs will be \$9 to \$10 billion by conservative estimates. That is "b" for a billion, not "m" for a million.

We have all the unfairnesses in this bill with legalization. Legalization is not needed to balance out employer sanctions because they in and of themselves are fair. To have balance in this bill is to strike legalization, and then we have a bill that has employer sanctions, a speedup process of adjudications, a regaining of control of our borders, and some commonsense in our immigration laws.

Now, there are those who say that we have to have legalization. I have heard it so many times today, that we have to have it, because if we do not have it, there are going to be all these people standing around who are going to be somehow in a bad position. Well, that is simply not so. We are not going to round them up. We are not going to have any mass deportations. I think that argument has been clearly knocked in the head during this

debate. That is simply not going to be the case.

There are going to be thousands and millions who will probably, after employer sanctions are in place, over a very gradual period of time go back across the borders voluntarily. There will be some who stay, as there always have been some who stayed.

For my colleagues who are concerned about the treatment of Hispanics if we strike legalization, I would remind them that Mexico is liberally treated under this bill, as it has been for years under our immigration laws. We know that, and for the last year we have the figures. In 1981, there were about 489,000 immigrants who came into this country legally, not counting refugees. That is legal immigrants, 489,000. Of the 489,000, 101,000 were Mexican. In this bill we give an additional 20,000 to Mexico in the ceiling numbers in the preference system. So we will be adding to the opportunities for Hispanics to come to this country legally. We have the temporary worker program or the H-2 Program, depending on what is finally adopted, for those who leave and who may want to come back here and work.

The commonsense approach that the public supports is to strike legalization. The VFW, the American Legion, and the public opinion polls show that the American people understand this issue. They understand that amnesty is wrong, that it is not necessary to a good immigration bill, and that the way we are going to have a good immigration bill is by having a bill that has the twin pillars of employer sanctions and adjudications speedup and not having legalization, which is wrong and unfair and improper.

Mr. Chairman, I urge my colleagues, I implore my colleagues to think as they vote on this bill about the consequences, the long-term ill consequences that will occur if in fact we do not strike legalization from this bill. It is not necessary. It is contrary to the concerns that have been expressed. It is unnecessary whatsoever to fairness. In fact, it is just the reverse. Legalization is unfair.

Mr. Chairman, I urge the Members to vote "yes" on the McCollum amendment.

The CHAIRMAN. The Chair now recognizes the gentleman from Kentucky [Mr. MAZZOLI].

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to my friend, the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment offered by Representative McCOLLUM. One of the most important elements of this immigration bill is the legalization program. The Census Bureau estimates that there are between 3.5 and 6 million unauthorized aliens currently

residing in the United States—that means 3.5 to 6 million people that are invisible residents subject to exploitation for fear of detection or deportation should they report violations in labor, or housing laws, or even report crimes.

What we are engaged in here is a massive rewrite of our immigration laws. We need to wipe the slate clean for our sake and those living in fear of deportation. I urge my colleagues to vote against this amendment.

Mr. MAZZOLI. Mr. Chairman, I thank my friend, the gentleman from Arizona, for his support.

Let me first again say to my friends in the House what a wonderful debate this has been. I think we have fully acquitted the tradition of the House. I think we have fully delivered to the American people an elegant debate, an eloquent debate on a very sensitive issue. I salute the Members, and I thank them all.

Mr. Chairman, make no mistake about it, I have the highest and fondest respect for my friend, the gentleman from Florida, a very distinguished member of our subcommittee, but if the gentleman's amendment were to pass, it would jeopardize the future of our bill.

We have spent 7 days of the hardest work we have done perhaps in years, and I would hope that we would not jeopardize the future activity of the bill by adopting the gentleman's amendment.

Simply stated, the President of the United States in a press conference last Thursday night indicated that he felt legalization was a component part of immigration reform. The Attorney General has suggested the very same thing. Legalization is an important component part of any practical immigration reform program. If this amendment to strike legalization were to pass, it would seriously unbalance the bill. It would render it devoid of the balance and of the sensitivity and symmetry we think it must have to be good, genuine law.

We have studied this issue in the last two Congresses, and again I respectfully suggest that at every stage of the way my friend has offered the amendment. It has been offered four times, twice in subcommittee and twice in full committee, and it was offered in two Congresses, the 97th and 98th. And each and every time, with all respect to my friend, those amendments were voted down. They were voted down because the committee essentially felt that a balanced approach included legalization.

I would implore my friends in the House to defeat the gentleman's amendment and vote for the proposition of legalization as a component part of the bill. It is practical. We cannot root the people out, and we

should not. It is proper because it fits into the scope of immigration law. It is moral, and believe me, there is a moral dimension to this problem. This is a very important moral area.

I think it ought to be noted, first and foremost, that this is not a blanket amnesty. This is a legalization on a case-by-case approach. Each and every person coming forward would be examined. He or she would be asked questions, would be forced to show that they had been here by a certain date, and that they are of good character. So we are not waiving a wand and accepting people who are not decent citizens.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to my friend, the chairman of the committee.

Mr. RODINO. Mr. Chairman, I thank the gentleman for yielding.

I want to say that I, too, join with the gentleman in applauding the Members for the fine debate that we have had.

I think that we should remember that on a number of occasions already, if we can interpret the votes of the House, the House has sustained legalization. The other body sustained legalization, and on the last vote, on the Wright amendment, the House voted 247 to 170 for legalization up to 1982.

Mr. MAZZOLI. Exactly. I thank my friend, the distinguished chairman of the committee and the ranking member in this country on the subject of immigration. We have indeed.

On several occasions, by resounding votes in this House in these past 7 days, we have voted not to do nothing; we have voted to do something, and we have voted in that context to include legalization as an important component part.

I think it ought to be remembered that Father Theodore Hesburgh, who chaired the Select Commission, has a wonderful way about him, as an intellectual, of going to the heart of a problem and stating it with a kind of clarity that is compelling. Father Hesburgh said that unless we close the back door through which illegal aliens enter, we will never be able to keep the front door open, the front door through which legal immigrants and refugees enter.

□ 1430

So I suggest to my friends as we worry about those who are waiting in line and who have the concerns, and I have them, that perhaps in the future legal immigration laws will have to be changed, but may I please suggest that if we do not have a bill that does something about illegal entry, that we may well lose legal entry and refugee entry and that would be a sad loss, a terrible loss to this country.

Earlier, Edmond Burke, the great British Parliamentarian, was men-

tioned, and let me again say to those who read the polls that this is one time where as Edmond Burke recommended:

You owe your constituency not just your hard work, you owe your constituency the exercise of your judgment. You owe your constituency the courage to take a stand on a very tough issue. Sometimes the courage to lead, sometimes the courage to in fact show that kind of determination under fire which we call politics, as grace under fire.

This is the time to make such a vote. Let me conclude my remarks by reading what I think is a remarkable letter from a person, sent to another Member, not myself:

I am an illegal alien and am living under great pressure of blackmail threats from members of my own community. I am forced to live an anonymous, underground life in constant fear, shaking and trembling many times, with sleepless nights and always afraid of an INS man knocking at my door. I hope therefore you would kindly forgive me for writing this letter anonymously.

Sir, to err is human, but to forgive is divine. I have erred, and I plead guilty. The supreme teaching of the Old Testament is, "As He is merciful, you be merciful".

Sir, with tears in my eyes I kneel to you and beg for your mercy. Sir, God will definitely bless you for proposing the generosity of amnesty for illegal aliens.

Great people become even greater because they always care about smaller people's problems. Illegal aliens are small people, and I beg you to show maximum possible compassion towards them.

Sir, I am enclosing a copy of a recent Newsweek article on some popular myths about illegal aliens. I am not trying to defend myself. As an illegal alien I am by definition guilty. I want no money, no benefits, nothing. All I want is legalized status of a human being. Sir, I am begging for my freedom. You and your great Congress have the power to give that to me. I pray you will. God bless you. God bless America.

Mr. Chairman, let us vote for this man. Vote down the gentleman's amendment.

The CHAIRMAN. All time has expired.

The question is on amendment No. 61 offered by the gentleman from Florida [Mr. McCOLLUM].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 233, not voting 5, as follows:

[Roll No. 249]

AYES—195

Albosta	Bennett	Brooks
Andrews (NC)	Bereuter	Broomfield
Andrews (TX)	Bethune	Brown (CO)
Applegate	Bevill	Broyhill
Archer	Billirakis	Bryant
AuCoin	Bliley	Burton (IN)
Barnard	Boner	Byron
Bartlett	Bosco	Campbell
Bateman	Breaux	Carney

Carr	Jenkins	Roberts
Chappell	Jones (NC)	Robinson
Chapple	Jones (TN)	Roemer
Coleman (MO)	Kaptur	Rogers
Coleman (TX)	Kasich	Rose
Courter	Kindness	Roth
Craig	Kramer	Roukema
Crane, Daniel	Latta	Rowland
Crane, Philip	Leath	Rudd
D'Amours	Lent	Russo
Daniel	Levitas	Schaefer
Dannemeyer	Lewis (FL)	Schulze
Darden	Livingston	Shaw
Daschle	Lloyd	Shelby
Daub	Loeffler	Shumway
Dickinson	Lott	Shuster
Dowdy	Lujan	Siljander
Dreier	Luken	Skeen
Duncan	Mack	Skelton
Dyson	MacKay	Smith (NE)
Edwards (OK)	Madigan	Smith, Denny
Emerson	Marlenee	Smith, Robert
English	Martin (IL)	Snowe
Erdreich	Martin (NC)	Snyder
Evans (IA)	Martin (NY)	Solomon
Fiedler	McCollum	Spence
Fields	McCurdy	Staggers
Flippo	McDade	Stangeland
Franklin	McEwen	Stenholm
Frenzel	McGrath	Stratton
Fuqua	Mica	Stump
Gaydos	Miller (OH)	Sundquist
Gekas	Mollohan	Tallon
Goodling	Montgomery	Tauzin
Gradison	Moore	Taylor
Gramm	Moorhead	Thomas (GA)
Gregg	Murphy	Torricelli
Hall, Sam	Myers	Valentine
Hammerschmidt	Neal	Vander Jagt
Hance	Nelson	Volkmer
Hansen (UT)	Nichols	Vucanovich
Hartnett	Olin	Walker
Hatcher	Packard	Watkins
Hefner	Parris	Whitehurst
Hertel	Patman	Whitley
Hightower	Paul	Whittaker
Hiler	Petri	Whitten
Hillis	Porter	Williams (OH)
Holt	Pursell	Wilson
Hopkins	Ratchford	Wise
Horton	Ray	Wolf
Hubbard	Regula	Wyden
Huckaby	Reid	Wyllie
Hunter	Ridge	Yatron
Hutto	Rinaldo	Young (AK)
Hyde	Ritter	Young (FL)

NOES—233

Ackerman	Conyers	Fowler
Addabbo	Cooper	Frank
Akaka	Corcoran	Frost
Alexander	Coughlin	Garcia
Anderson	Coyne	Gejdenson
Annuozio	Crockett	Gephardt
Anthony	Davis	Gibbons
Aspin	de la Garza	Gilman
Badham	Dellums	Gingrich
Barnes	Derrick	Glickman
Bates	DeWine	Gonzalez
Bedell	Dicks	Gore
Beilenson	Dingell	Gray
Berman	Dixon	Green
Biaggi	Donnelly	Guarini
Boehert	Dorgan	Gunderson
Boggs	Downey	Hall (IN)
Boland	Durbin	Hall (OH)
Bonior	Dwyer	Hall, Ralph
Bonker	Dymally	Hamilton
Borski	Early	Harkin
Boucher	Eckart	Harrison
Boxer	Edgar	Hawkins
Britt	Edwards (AL)	Hayes
Brown (CA)	Edwards (CA)	Heftel
Burton (CA)	Erlenborn	Howard
Carper	Evans (IL)	Hoyer
Chandler	Fascell	Hughes
Cheney	Fazio	Ireland
Clarke	Feighan	Jacobs
Clay	Ferraro	Jeffords
Clinger	Fish	Johnson
Coats	Florio	Jones (OK)
Coelho	Foglietta	Kastenmeier
Collins	Foley	Kazen
Conable	Ford (MI)	Kemp
Conte	Ford (TN)	Kennelly

Kildee	Mollinari	Schumer
Klecza	Moody	Seiberling
Kogovsek	Morrison (CT)	Sharp
Kolter	Morrison (WA)	Sikorski
Kostmayer	Mrazek	Simon
LaFalce	Murtha	Slitsky
Lagomarsino	Natcher	Slattery
Lantos	Nielson	Smith (FL)
Leach	Nowak	Smith (IA)
Lehman (CA)	O'Brien	Smith (NJ)
Lehman (FL)	Oakar	Solarz
Leland	Oberstar	Spratt
Levin	Obey	St Germain
Levine	Ortiz	Stark
Lewis (CA)	Ottinger	Stokes
Lipinski	Owens	Studds
Long (LA)	Oxley	Swift
Long (MD)	Panetta	Synar
Lowery (CA)	Pashayan	Tauke
Lowry (WA)	Patterson	Thomas (CA)
Lundine	Pease	Torres
Lungren	Penny	Towns
Markey	Pepper	Traxler
Marriott	Perkins	Udall
Martinez	Pickle	Vandergriff
Matsui	Price	Vento
Mavroules	Pritchard	Walgren
Mazzoli	Quillen	Waxman
McCain	Rahall	Weaver
McCandless	Rangel	Weber
McCloskey	Richardson	Weiss
McHugh	Rodino	Wheat
McKernan	Roe	Winn
McKinney	Rostenkowski	Wirth
McNulty	Roybal	Wolpe
Michel	Sabo	Wortley
Miller (CA)	Savage	Wright
Mineta	Sawyer	Yates
Minish	Scheuer	Young (MO)
Mitchell	Schneider	Zschau
Moakley	Schroeder	

NOT VOTING—5

Hansen (ID)	Sensenbrenner	Williams (MT)
Mikulski	Shannon	

□ 1440

Mr. RALPH M. HALL and Mr. ROSENKOWSKI changed their votes from "aye" to "no."

Mr. McDADE and Mr. CRAIG changed their votes from "no" to "aye."

Mr. CHANDLER changed his vote from "present" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1450

AMENDMENT NO. 62 OFFERED BY MR. RODINO

The CHAIRMAN. Amendment No. 62 is in order at this time.

Does the gentleman from New Jersey [Mr. RODINO] desire to offer amendment No. 62?

Mr. RODINO. I do, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. RODINO: Page 99, strike out lines 5 through 10 and insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

CUBAN-HAITIAN ADJUSTMENT

Sec. 302. (a) The status of any alien described in subsection (b) may be adjusted by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien applies for such adjustment within two years after the date of the enactment of this Act;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply;

(3) the alien is not an alien described in section 243(h)(2) of such Act;

(4) the alien is physically present in the United States on the date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States since January 1, 1982.

(b) The benefits provided by subsection (a) shall apply to any alien—

(1) who has received an immigration designation as a Cuban/Haitian Entrant (Status Pending) as of the date of the enactment of this Act, or

(2) who is a national of Cuba or Haiti, who arrived in the United States before January 1, 1982, with respect to whom any record was established by the Immigration and Naturalization Service before January 1, 1982, and who (unless the alien filed an application for asylum with the Immigration and Naturalization Service before January 1, 1982) was not admitted to the United States as a nonimmigrant.

(c) An alien who, as the date of the enactment of this Act, is a Cuban and Haitian entrant for the purpose of section 501 of Public Law 96-422 shall continue to be considered such an entrant for such purpose without regard to any adjustment of status effected under this section.

(d) Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent residence as of January 1, 1982.

(e) When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under this Act and the Attorney General shall not be required to charge the alien any fee.

(f) Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

Mr. RODINO. Mr. Chairman, the amendment I am offering is in every material respect identical to a bill I introduced—H.R. 4853—to allow the adjustment of status of Cuban and Haitian entrants who have lived in this country in a legal limbo for several years.

Four years ago the so-called Mariel boatlift was in full swing. They came by the thousands during that period,

not only from Cuba but also from Haiti. You will recall that they were welcomed with "open hearts and open arms."

In all, about 150,000 Cuban and Haitian entrants arrived and were paroled into the United States. Some of these have been able to adjust their status to permanent resident alien under existing provisions of our immigration law, but most have not been so fortunate. Instead, they have been waiting for congressional action to resolve their uncertain status. During hearings held by the Immigration Subcommittee last month, all witnesses, including the administration, supported my legislation. In addition, every major civil rights trade union, religious and voluntary service organization wholeheartedly endorses my amendment.

Let me point out that these individuals are not now, and have never been, considered to be undocumented aliens. Yet, they remain in a legal limbo.

For their sake, and for our Nation's sake, we must settle this matter and we must settle it now. That is what my amendment would do. It would give approximately 120,000 Cuban and Haitian entrants the opportunity to become permanent residents and eventually U.S. citizens.

In addition, my amendment would specifically include the approximately 15,000 Haitians who were, in many cases, subjected to intolerably long periods of detention by the Immigration Service as they awaited determinations of their status.

There can be little doubt that this group of Haitians has suffered more than any group in recent history in their attempts to come to and remain in the United States. In fact, on three separate occasions, Federal courts have held that the treatment of these individuals by the Immigration Service has been unlawful.

Mr. Chairman, my amendment is not without precedent. In 1958, for example, Congress passed special legislation to allow the adjustment of Hungarian refugees who had been paroled into the United States. Similarly, in 1960, 1966, and again in 1975 special legislation was passed to allow the adjustment of Eastern European refugees, Cuban parolees, and Indochinese parolees, respectively. It is clear then, when compelling humanitarian need has been demonstrated, Congress has been willing to act.

I think it is also important to point out that even the amendment previously offered by Mr. SHAW to cut back on the committee's legalization formula, recognized the special dilemma of the Cuban/Haitian entrants by including provisions almost identical to the amendment I am now offering.

Although the Wright amendment, which we adopted yesterday, addresses the problem, it does not fully cure it.

First, the Wright amendment would not cover the approximately 15,000 Haitians who are technically not entrants. That is because those Haitians have never, in a legal sense, entered the United States.

Second, the Wright amendment would grant the individuals covered by my amendment temporary, not permanent, resident status. That is unfortunate and, I think, not really fair. Most of the people covered by my amendment were specifically invited here and they did not try to evade the INS. And as for the 15,000 Haitians, there can be little doubt that this small group has undergone extreme hardship here in the United States.

In conclusion, Mr. Chairman, we are dealing here today with an intolerable situation that cries out for immediate action. In my mind there is no doubt as to what we must do.

By adopting my amendment, we will allow those of Cubans and Haitians who are here and already contributing to our society to live free and secure in the knowledge that they are welcome and will not be forced to return to their home countries.

This amendment will allow them to get on with their lives. And we will put behind us once and for all this unfortunate episode in our immigration history.

I urge my colleagues to support this extremely important amendment.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I thank the gentleman for yielding.

My understanding is that for the most part these are people who came in after the surge which involved a group which was totally accepted for residence. These people, however, missed the deadline. They have been in limbo ever since. And in view of the other things that are in this bill, it seems to me the gentleman's amendment is entirely appropriate.

I would urge my colleagues to support it.

Mr. Chairman, I rise in support of Mr. RODINO's amendment to provide permanent resident status to certain Cuban and Haitian boat people. This amendment would right the injustices in our treatment of Cuban and Haitian refugee boat people who sought safety on our shores before 1982. The unique plight and legal limbo of this restricted number of refugees should be resolved through a grant of permanent resident status as the amendment proposes.

The great majority of the class of Cubans and Haitians who would benefit from the Rodino amendment long ago have been granted a temporary

"entrant" status and a promise of legal residence. There is particular concern for the plight of the Haitian refugees, many of whom were jailed for up to 18 months under a detention program that has been found to have been illegal and discriminatory by two courts. This group still faces the prospect of forcible deportation to Haiti from which they fled over 3 years ago. A number of them have been aided by charitable groups in my area.

This amendment contains a comprehensive class definition which is necessary to fully correct this discriminatory treatment. It is a definition that is not restricted to the narrow formality of the "entrant" definition. It is essential to grant permanent residency to both entrants and nonimmigrants from Cuba or Haiti who arrived here before January 1, 1982, with respect to whom any record was established by the Immigration and Naturalization Service before that date.

Mr. Chairman, it is essential that the legalization title of the Immigration Reform and Control Act contain particular language to provide for the need of these two refugee groups. The general and comprehensive legalization program already in the bill is subject to revision and its coverage to restriction. The compelling equities of the Cuban and Haitian boat people should not be lost amid the very important debate over general legalization eligibility. Therefore, again I express my support for Chairman Rodino's amendment, which will assure these refugees a future in our country, and I urge my colleagues to join in voting for its immediate adoption.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from California.

Mr. ROYBAL. I thank the gentleman for yielding.

Mr. Chairman, I would like to compliment the gentleman from New Jersey for this amendment. One of the criticisms that I had about the Simpson-Mazzoli bill was that the Cuban Adjustment Act had been completely eliminated, had been taken out of the bill itself.

Now this amendment puts back not only the Cuban Adjustment Act, but it also includes and makes possible the adjustment of the status of more than 15,000 Haitians. I think that this is proper. I compliment the gentleman for his amendment.

Mr. RODINO. I thank the gentleman.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Florida.

Mr. PEPPER. I wish to thank the distinguished gentleman for yielding to me.

I wish warmly to commend him for the authorship of this amendment. It

is very just and fair, in my opinion, makes provision for the adjustment of the status of the Haitians and the Cubans who have come into our country prior to 1982.

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The CHAIRMAN. The time of the gentleman from New Jersey [Mr. RODINO] has expired.

(By unanimous consent, Mr. RODINO was allowed to proceed for 1 additional minute.)

Mr. PEPPER. I want to thank the distinguished chairman also for including my amendment No. 63 along with his. If the gentleman's amendment is adopted, then I shall withdraw my amendment.

This is a humane thing the gentleman has done, and I commend him.

Mr. RODINO. I thank the gentleman.

Mr. Chairman, I want to state that the gentleman also had an amendment prepared which would have provided for this very same matter.

Mr. Chairman, I yield to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I rise in support of this important clarifying amendment offered by the distinguished chairman of the Judiciary Committee. It would provide permanent resident status to certain Cuban and Haitian entrants, thereby correcting the unique plight and legal limbo of this restricted number of refugees.

We must remember that the great majority of individuals who would benefit from this amendment are not illegal aliens. As a result of the Mariel boatlift in early 1980, and the exodus of many Haitians from their island homeland, the Carter administration granted these Cuban and Haitian "boat people" temporary legal status—that of "Cuban-Haitian Entrant"—and a promise of legal residence. They have waited patiently in "immigration limbo" for the Federal Government to make good on its promise. That has not occurred. This amendment fulfills that promise.

I also join in Chairman RODINO's continuing concern for the particular plight of those Haitian refugees, approximately 10,000 of whom were detained, not granted entrant status, and approximately 2,000 of whom spent as long as 18 months in detention. This detention program was ultimately found to have been illegal and discriminatory by two courts. This group of nonentrants, many of whom have applied for asylum, still faces the prospect of forcible deportation to Haiti, the country from which they fled over 3 years ago.

The number of persons who would benefit from this amendment is well-defined and limited. The total includes 125,000 Cubans and approximately 30,000 Haitians. It is essential that the

legalization title of this bill contain the particular language of this amendment to provide for the needs of these two groups so that their discriminatory treatment can come to an end. The general and comprehensive legalization program already in the bill, which provides for permanent resident status for illegal aliens who have proof of residence in the United States prior to January 1, 1982, does not apply to the "Cuban-Haitian Entrant" group nor to the non-"Entrant" Haitians, because they are not considered illegal aliens.

Again, I express my support for Chairman RODINO's amendment which will free these "Cuban-Haitian Entrants" and Haitian asylum applicants from uncertainty and fulfill the promise of a future in our country. Justice should be a part of true immigration reform. I urge our colleagues to vote for this amendment so that justice will prevail.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. FISH. I thank the gentleman for yielding.

Mr. Chairman, I personally believe that we should permit adjustment of status to that of permanent resident for Cubans and Haitians who arrived in the United States prior to January 1, 1982, and meet certain other conditions.

The Carter administration linked the futures of these two groups when it provided the Cuban Haitian entrant designation. An effort to address the plight of one group without also providing relief to the other would be perceived by many people as discriminatory. I favor the January 1, 1982, cutoff date because it embraces both the migration from Mariel, Cuba, and the Haitian boat arrivals prior to the implementation of the interdiction agreement with the Government of Haiti.

On behalf of the minority on our side, I accept the gentleman's amendment.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for his excellent statement and for what he is attempting to do here to preserve what was a promise made by the Government of the United States to these peoples and to those governments. I support it wholeheartedly.

Mr. Chairman, being from Florida, I am particularly aware of the uniquely difficult problem that faces the Cuban and Haitian entrants in their present nonclass status. We must remember that these entrants are not illegal aliens. They do have status under the

law, but that status does not permit them to participate fully in our society. Justice and fairness requires upgrading the status of these entrants, and the need for this action has been accepted for the most part by the people of south Florida. That is why this amendment must be part of an immigration reform bill.

The Cuban entrants already have the Cuban Adjustment Act of 1965 which could be used to upgrade their status. But the Haitian entrants have no specific statute that they can use for their benefit. This amendment would provide the vehicle they need to remove themselves from the immigration limbo status known as entrant.

It is altogether proper that we take this action. These people were permitted into the United States by the grace of the Federal Government. They should have been given a proper immigration status 4 years ago. Since that did not occur then, now is the time to rectify the situation.

Mr. Chairman, aside from those few people who were sent here when Castro emptied his jails in 1980, the people of the Mariel boatlife have had very little negative impact on the community. With regard to the Haitian entrants, they are extremely industrious and hard-working people. Both groups want a chance to make a living, to have a decent home, to raise a family in peace. In their past homelands, these were not possible. Without this provision, these entrants still will be unable to make for themselves the new lives that were promised when they became entrants.

I urge my colleagues to support this amendment.

Mr. MAZZOLI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to my friend, the gentleman from Michigan [Mr. CROCKETT], a member of our subcommittee.

Mr. CROCKETT. Mr. Chairman, I am grateful to the chairman of the subcommittee for yielding.

I want to express approval of the amendment offered by the chairman of the Judiciary Committee and urge all of my colleagues to support it.

Mr. MAZZOLI. I thank the gentleman.

I yield to my good friend and congressional classmate, the gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, PETER W. RODINO, JR., the chairman of the Committee on the Judiciary. This amendment incorporates H.R. 4853, the Rodino Cuban-Haitian Adjustment Act.

I want to express my appreciation to Chairman RODINO for offering this amendment to H.R. 1510, which would

provide for the adjustment to status of Cuban and Haitian refugees. The offering of this amendment is testimony not only to the expertise of Chairman RODINO in the area of immigration and refugee policy, but is reflective of the fairness and compassion with which he has approached the difficult issues that abound in immigration and refugee matters.

The treatment and absence of legal status of the Haitian refugees has long been a concern of the Congressional Black Caucus generally, and our task force on Haitian refugees in particular. This is evidenced in the support of this legislation by the Congressional Black Caucus.

Former Congresswoman Shirley Chisholm of New York and I have been concerned about the lack of due process and equal protection under the law for Haitian refugees for many years. This concern ultimately resulted in the formation of the Congressional Black Caucus task force on Haitian refugees. We have been alarmed and appalled by the inhumane treatment and detention of this class of refugees. While I do not wish to judge the intent of the Immigration and Naturalization Service and the Department of State in their treatment of the Haitian refugees, the result has been a determined effort to exclude the first significant class of black refugees to come to our shores. The result has been racist in effect, regardless of intent.

This amendment seeks a constructive solution to a harmful and disturbing episode in the history of immigration to the United States. It would also and most importantly provide relief to a limited class of Haitian refugees who have developed equity in our country and have proved themselves to the communities in which they reside, to be hard working and law abiding.

The purpose and substance of the amendment offered by Chairman RODINO are not unique in our Nation's history. We have in the past compassionately and wisely responded to Hungarian refugees, other Eastern European refugees, the initial wave of Cuban refugees, and to Indochinese refugees through special legislation. There is a clear humanitarian need for this amendment as well as a compelling national interest in the passage of this legislation. Let us correct the record and put our Nation squarely in support of the principles of equal justice as reflected in the passage of the Refugee Act of 1980. Again, I congratulate Chairman RODINO and all of my colleagues who are supporting this amendment.

Mr. Chairman, I would like to submit for the record material on conditions in Haiti which have caused the Haitian refugees to seek freedom on our shores.

I urge my colleagues to support the Rodino amendment.

As the Chairman knows, for the past 2 years I have been seeking a relationship with people at all levels of Haitian society to see if there is some way that we can improve the human rights situation and the political economy of Haiti so that refugees would no longer feel impelled to risk their lives on the high seas to escape to our shores. This discussion has involved the Haitian Government, private voluntary organizations working for development in Haiti, the business sector, the Haitian League for Human Rights, our Embassy, and many others. The road has been rocky and often characterized by one or two steps forward and one, two, or three steps backward.

Most recently, the Committee on Foreign Affairs in section 803 of the International Security and Development Act of 1984 addressed the human rights situation in Haiti which should be considered in evaluating the need for H.R. 4853. I quote now from section 803:

While the Committee is encouraged by the Haitian Government's cooperation in curbing illegal emigration and in implementing fiscal reforms and U.S. development assistance programs, *the human rights situation in Haiti, which had shown potential for improvement, has in fact deteriorated.* As the Department of State's most recent annual human rights report to the Congress states, "Haiti's political history has been one of authoritarian rule characterized by periods of political instability and human rights abuses . . . Freedom of speech, press, and association is restricted by the Government, and due process guarantees relating to judicial procedure are frequently disregarded." For example, in May 1983, the Government arrested without charge, several political opponents during the municipal elections process and held them in jail until the elections were over. The leader of the Haitian Christian Democratic Party, Sylvio Claude, continues to suffer house arrest and other abuses of his rights under Haitian law. Prior to Haitian legislative elections on February 12, 1984, the Government prevented the participation of known opposition parties and individuals by intimidation, harassment, and by refusing the reentry into Haiti of Eugene Gregoire, leader of the Social Christian Party. Also, during the legislative election supporters of candidates not sanctioned by the Government were physically beaten by security forces and the military in the towns of Cavaillon, Gros Morne, and Petit Goave.

The Committee is seriously concerned over such unwarranted intimidation of the nascent political opposition in Haiti and other continuing human rights violations attributable to the Government. For that reason, the Committee has eliminated any new authorization for military assistance and sales to the Government of Haiti for fiscal years 1984 and 1985 in order to apprise the Government of the implications of the lack of progress in the promotion and protection of human rights.

More recent events reflect some indication of a change in a more positive direction, one that I hope would enhance the effort to improve the

human rights environment in Haiti. However, that remains to be seen, and I could not in good conscience rest assured that any and all Haitians that might be returned to Haiti would not suffer programmed or arbitrary abuse.

There has been much discussion that the Haitian refugees are simply economic refugees and therefore not entitled to refuge in our country. This simplistic and distorted assertion emanates from a theoretical assumption that economics and politics are separable. This was not asserted nor could it be in the case of the Indochinese refugees. In Haiti, this is especially true where wealth can only be accumulated through a "franchise" from the Government of Haiti. Nevertheless, I think it important to put on the record the situation of the economy in Haiti and the impact the economy has on the people of that country.

By the end of 1983, Haiti's real per capita income will have dropped 8.5 percent below its corresponding 1980 level:

The 8,000 families comprising 1 percent of the population take 44 percent of the national income and pay only 3.5 percent of their income in direct taxes.

In Haiti, there is roughly 1 doctor for every 11,000 people.

More than one-third of Haiti's children die before the age of 5.

The vast majority of the population exist in absolute poverty—on an income of less than \$140 per year.

The population of metropolitan Port-au-Prince has doubled to over 1 million in the last 10 years due primarily to the migration of peasants from the rural areas.

As many as 60,000 people crowd in each square kilometer of urban slums such as Cite Simone.

Only 20 percent of Haiti's population can read and write.

There are nearly 700 people per every square kilometer of arable land in Haiti as compared to 318 in India and 53 in the United States.

Forty-one percent of Haiti's population is under the age of 15.

Once nearly 70 percent of Haiti's land was covered with trees. Now less than 10 percent of the country is forested.

FISCAL PERFORMANCE

While the Government of Haiti has fully complied with its 1983 fiscal reforms in macroeconomic terms, for example Government revenues rose at an annual rate of over 10 percent, there are some real questions as to who is paying for this compliance and who is not. For example, the new general sales tax, while successful in raising about 1 percent of the gross domestic product for the fiscal year, imposed a severe hardship on the poor, because this tax was levied on basic products which the peasantry produces and consumes, such as flour,

sugar, and vegetable oil. The fiscal system still continues to operate so that the 80-percent rural population pays for about 85 percent of internally generated revenues while receiving less than 20 percent of total Government expenditures in return. On a positive level, the fiscal program raised Government revenues as a percentage of gross domestic product and seems to have given greater confidence to the private sector. Real private investment grew in 1983, capital flight was greatly reduced, and foreign arrears virtually eliminated.

AGRICULTURE

While there was a bumper coffee crop in 1983, this does not appear to have led to a corresponding sector-wide expansion of agriculture generally because of a severe drought. Additionally, while the volume of coffee exports increased by 65 percent, this gain was minimized by the low prices on the world market. The coffee crop is projected to be some 25 percent lower in volume than last year, but the unit price is expected to be 5 percent higher. The system of coffee production and marketing is still dominated by middle men who live in small towns in the countryside. These middle men, who are also merchants from whom the peasants borrow money or food, are one of the key constituencies of the Duvalier regime and are directly linked to the upper administration of the Duvalier regime. One Haitian scholar has estimated that up to 40 percent of the personnel in the upper levels of the Government come from families engaged in agricultural speculation. However, the largest profits are made by the exporters at the end of the chain. This exporter segment of the coffee industry is controlled by 27 export houses. These exporters are in a position to set a price to pay to the middle men. The peasant producer is relatively powerless, has no control over prices, and alone pays the tax levied by the Government on coffee exports. The result is that the coffee producer pays the highest taxes in Haiti. This tax is equal to an income tax of 35 to 40 percent.

Small, peasant, agricultural producers continue to suffer from a lack of access to credit. It is estimated that the cost of credit in Port-au-Prince is at 18 percent per year for those in the dominant business sector. In the peasant agricultural sector, the rate is estimated at 18 percent per month or over 216 percent when compounded.

Due to low agricultural productivity, Haiti's domestic market is limited in the extreme by low purchasing power and market size. The real market for most products is less than 50,000 persons. The result is monopoly or oligopoly in the domestic market and export industries based on cheap labor for the international market.

INDUSTRY

The assembly industries appear to have expanded somewhat as "economic expansion" increase in the United States. According to the international financial community, Haiti's export of light manufactures are projected to increase by 20 percent on the assumption that the recovery of economic activity in the United States continues. These firms enjoy the advantage of U.S. Customs Code sections 806 and 807: "which permit goods assembled from U.S. made components to reenter the United States with duty paid only on the value added abroad." These companies, which can be established with minimal capital investment are able to profit from labor priced at \$2.64 per day. The industry employs anywhere from 45,000 to 60,000 workers, and it is generally understood that the Government will repress strikes and break up independent trade unions. The principal contribution of these plants is the \$30 to \$40 million in wages which "support" between 260,000 and 325,000 people, approximately one-third of the population of Port-au-Prince.

TOURISM

Tourism was extremely depressed in 1983. Visitors, primarily from Canada and the United States, are numbered at 300,000 per year, but 60 percent of these arrive on cruise ships and spend only a few hours in Port-au-Prince or Cape Haitian. Tourist expenditures in Haiti are thus very low compared to the number of visitors. The 300,000 figure is also only one-third of the number of tourists that visit Jamaica or the Dominican Republic. Given the image of Haiti, caused by human rights abuses, the unfair labeling of Haitians as carriers of AIDS, and the lack of Government activity in promoting tourism, the outlook is not encouraging.

DEVELOPMENT ACTIVITIES

Perhaps, the most inhibiting factor in undertaking serious, coherent, and coordinated development activities is the continuing lack of a partner in the Government of Haiti. According to Mats Lundahl, an economist, who has written extensively on Haiti:

The future appears bleak for the Haitian peasant. . . . The Government's lack of commitment to agricultural development forces the peasants to rely on their own efforts. It is here that the major obstacle to economic development would seem to be.

Mr. MAZZOLI. Mr. Chairman, may I just say, in a few seconds, this is a very worthy addition to the bill. The gentleman from New Jersey is, of course, the person who has kept this whole thing together, and I do hope we can vote up the gentleman's amendment.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment, of course, is long overdue. There is no

question about it. But it is revelatory of a double standard, a discriminatory heritage that has been reflected in every single immigration law and amendments thereto enacted with respect to those who happen to come over across the Mexico border.

I have heard all of the picayunish picking on whether or not certain methods will be erected legislatively to provide for legalization, which this amendment does for a certain category. But when it comes to the case of those who have come across the Mexico border, it seems that there is no sympathetic interest whatsoever. In fact, there is antipathy, even hatred. There never has been any recognition which in turn has been accorded without a murmur, first, in the case of the Cubans, who came here just as illegally as anyone crossing the Mexican border, but they happen to be affluent, upper class, white-skinned Cubans, and they tended to be Republican. So in the course of 10 years—10 years—\$2 billion was given in direct relief. Direct relief. You talk about relief and welfare, this was direct monetary relief from the Treasury to individuals and families in this group, even though they were not any more legally here than any undocumented visitor to this country or migrant to this country.

Why this double standard? This is the reason that I have been so critical not only of the past hearings and the efforts made to amend the law. This is why single-handedly I rose on this floor in 1965 in the middle of the debate and consideration of the big so-called codification of the Immigration and Nationality Act of 1965, the big centerpiece of President Johnson, who so proudly took it to the foot of the Statue of Liberty to sign it.

I sent him a telegram asking him to veto it because on this floor, without ever having had any real hearings in the committee, an amendment was offered by then Representative MacGregor that for the first time placed quotas on the Western Hemisphere. And in answer to the questions I raised—because I was the only one voicing objections to that—MacGregor admitted that Mexico was being placed on the same footing as Iceland.

Well, with that kind of rationale, that kind of state of mind, who can reason?

And so the inevitable is happening. Whatever is passed here today, whether you pass the Simpson-Mazzoli intact, whether you pass the Roybal intact, whether you pass all of the amendments and appurtenances thereto intact, it will not stand by 10 people the problem you say this bill is affecting. And the most serious aspect is that it happens to be affecting the 2,000-mile border with Mexico.

And yet there is no question about doing justice. Sure, I am for this

amendment. But what has happened to these other people who have been hounded to death, as in Kerr County, posses going out hunting them, shooting them down like dogs, forgotten by two Governments, because in the case of the Mexican national in the last 10 years I have not seen the Mexican Consulate intervene in any of these despicable cases because the American Government has overwhelming preponderant influence on the Mexican Government and there is not a thing they can do to protest or are doing. We have abandoned them on our side. We daily violate constitutional rights which are guaranteed even to the illegal, contrary to commonly held opinion among some Americans.

So all I am saying is, let us keep in mind that justice yet has to be done with respect to that bronze skin, the one who came over, built the highways, plucked the cotton balls, erected the skyscrapers of Dallas, and Houston, and San Antonio and is so forgotten. In time of war, illegal or not, he fought bravely and died valiantly in great numbers for our country.

The CHAIRMAN. The question is on amendment No. 62 offered by the gentleman from New Jersey [Mr. RODINO].

The amendment was agreed to.

The CHAIRMAN. Amendment No. 63 is now in order.

Does the gentleman from Florida [Mr. PEPPER] desire to offer amendment No. 63?

Mr. PEPPER. Mr. Chairman, in view of the fact that my amendment was encompassed in the Rodino amendment, I will not offer my amendment.

AMENDMENT NO. 64 REPORTED BY THE COMMITTEE ON EDUCATION AND LABOR AND OFFERED BY MR. GOODLING

The CHAIRMAN. Amendment No. 64 reported by the Committee on Education and Labor is now in order.

Does the gentleman from Pennsylvania [Mr. GOODLING] desire to offer amendment No. 64?

Mr. GOODLING. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 64 reported by the Committee on Education and Labor and offered by Mr. GOODLING: Page 101, strike out line 19 and all that follows through page 102, line 5, and insert in lieu thereof the following:

(2) The definitions and provisions of titles I through IV of Refugee Education Assistance Act of 1980 shall apply to payments under this subsection in the same manner as they apply to grants and payments under those titles, except that, in applying this paragraph, any reference in such titles to an "eligible participant" shall be deemed to be a reference to an "eligible legalized alien".

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Mr. GOODLING. Mr. Chairman, with this amendment we seek to conform education aid under this act to education assistance under the Refugee Education Assistance Act.

(2) The definitions and provisions of titles I through IV of Refugee Education Assistance Act of 1980 shall apply to payments under this subsection in the same manner as they apply to grants and payments under those titles, except that, in applying this paragraph, any reference in such titles to an "eligible participant" shall be deemed to be a reference to an "eligible legalized alien". (p. 161)

This amendment amends section 303(c) of H.R. 1510 to provide assistance that conforms to educational assistance provided to school districts impacted by refugee children under the Refugee Education Assistance Act.

This amendment recognizes a limited Federal responsibility by placing a realistic authorization cap on the amount of education assistance per child that the Federal Government will provide. The commonsense approach was adopted by the House in the Refugee Education Assistance Act and is an improvement over the Judiciary Committee's open ended authorization contained in their version of H.R. 1510. That is probably why my amendment received unanimous bipartisan support in the Education and Labor Committee. Our committee has the experience and knowledge with education programs of this type and it is my hope that the Judiciary Committee and the distinguished sponsors of H.R. 1510 will defer to Chairman PERKINS, me and the members of the Education and Labor Committee and line up in support of my amendment.

Briefly, this amendment provides the following:

Grants to State education agencies for schools providing basic education to eligible children. The schools could receive \$400 per child if the program were fully funded, based on a formula reflecting the relative cost by grade level of educating these children.

Additional grants to State agencies for school districts with substantial increases in the number of eligible children. This aid would be for supplemental educational services for school districts in which these children comprise 500 students or 5 percent of school population. Amounts range from \$300 to \$700 per child, depending on when the child was enrolled.

Aid to States for adult education programs (\$300 per enrolled adult) for eligible adults 16 or older.

SUMMARY

This approach provides a decreasing amount of assistance for a transitional period—limited to 3 years—based on need that is, funds are targeted to students with most severe needs. In addition it places a cap on the maximum amount authorized compared to H.R.

1510 which has no cap. My amendment structures education assistance under this bill to conform with existing education assistance programs for refugees.

This amendment does not create an entitlement nor does it require 100 percent reimbursement of the educational costs. Rather, it is an attempt to provide Congress, through the appropriation process, the opportunity to help alleviate the costs to local educational agencies that would result from Federal decisions on immigration policy. The maximum authorized amount per child represents less than 50 percent of the child's annual cost of attendance and places a definite authorization cap onto the legislation.

I urge the adoption of this amendment.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has made a very constructive offering on behalf of the Committee on Education and Labor chaired by the distinguished dean from Kentucky [Mr. PERKINS]. On this side of the aisle we are prepared to accept the gentleman's amendment.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Texas.

Mr. WRIGHT. I simply want to commend the distinguished gentleman for this amendment. I think it is a useful addition to the bill. It rounds out the promise with the fulfillment, and I want to compliment the gentleman on his amendment.

Mr. GOODLING. I thank the majority leader.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by my colleague on the Education and Labor Committee, Mr. GOODLING, that would assure equitable treatment for schools that will have to educate large numbers of refugee children and adults if this legislation is adopted. Further, this amendment is identical to amendments adopted by our committee last year when we considered this legislation which conform the provision in this bill to the 1980 Refugee Education Assistance Act.

Specifically, this amendment would place a cap on the amount of aid per child that would be provided to local schools. The basic grant would be set at \$400 per child and additional grants would be provided to schools with substantial numbers of eligible children,

such as New York City. Supplemental aid under this provision would be allocated to those districts which have refugee children that comprise 500 students or 5 percent of the school population. Amounts range from an added \$300 to \$700 per child, depending upon area of enrollment. This amendment also provides aid to States for adult education programs of \$300 per enrolled adult age 16 years and older.

Aid under this bill would be decreased over a 3-year period and is targeted to those areas in greatest need. While funds under this bill do not reflect the full costs of education—it does provide some much-needed relief to local school districts which have been heavily impacted by refugees. I maintain that when the Federal Government mandates educational programs—it has a responsibility to provide funding for these programs so that school districts, such as New York, where there are large numbers of refugees and higher than average costs of attendance.

In this school year, New York City has received a mere \$736,210 to provide educational services to 44,043 refugee children under the Refugee Education Assistance Act. Under this amendment offered by Mr. GOODLING, New York City would receive between \$700 and \$1,100 per child. If this bill is adopted in its present form, New York City estimates that 750,000 illegal aliens could come forward to become legalized—which means they would need educational services provided for under this amendment. At the very least—this translates into \$4.4 million in Federal aid next year—which could grow higher based on how many children, in fact, do step forward to become legalized and seek services.

I believe this amendment merits our strong support for it brings equity to localities which have been absorbing large numbers of new students that have special educational needs. Addressing these needs costs money—and this bill provides some modest relief in that regard. I commend our colleague Mr. GOODLING and our Chairman CARL PERKINS for their leadership in this area. I intend to support this amendment and urge my colleagues to do likewise.

Mr. KAZEN. Mr. Chairman, will the distinguished gentleman yield?

Mr. GOODLING. I yield to the gentleman from Texas.

Mr. KAZEN. Let me ask the gentleman: Does this have any bearing on a bill that we passed recently which gave help to local school districts that educate children of illegal aliens?

Mr. GOODLING. No; this is primarily dealing with those people who will receive amnesty and will be there to be educated. Now, I am sure that it would include some of the people you are talking about, certainly will be those

who will receive amnesty, I would think.

There would be no double-dipping but it will provide that education assistance for those people who will now receive amnesty and be educated in our system.

Mr. KAZEN. In other words, if under the present law, and if this administration finally lets go of that money that we appropriated, school districts, because of a Supreme Court decision, are having to educate children of illegal aliens? Therefore, it has become a Federal project and an obligation of the Federal Government to help local school districts who are impacted by that type of student.

Mr. GOODLING. That is right.

Mr. KAZEN. Now, that is already in place. As I understand what the gentleman is doing with his amendment is saying in effect, if those children who up to now have been children of illegal aliens will now become children of aliens that are here legally and become residents, legal residents, then that program might cease but yours will replace it; is that correct?

Mr. GOODLING. That is correct.

Mr. KAZEN. And it will hold harmless the local school district because of the impact of these particular students? Am I correct?

Mr. GOODLING. That is correct.

Mr. KAZEN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

AMENDMENT NO. 65 OFFERED BY MR. SCHUMER

The CHAIRMAN. Amendment No. 65 is in order at this time.

Does the gentleman from New York [Mr. SCHUMER] desire to offer amendment No. 65?

Mr. SCHUMER. Yes, I do, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 65 offered by Mr. SCHUMER: Page 99, line 24, strike out "and (c)" and insert in lieu thereof ", (c), and (d)".

Page 102, after line 5, insert the following new subsection:

(d) Subject to the amounts provided in advance in appropriation Acts, the Attorney General shall reimburse a State and a local jurisdiction in a State for the 100 per centum of the costs incurred by such State or jurisdiction for the detention or imprisonment of any alien charged with or convicted of a crime, other than an alien lawfully admitted to the United States for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act).

Mr. SCHUMER. Mr. Chairman, today I am introducing an amendment to H.R. 1510. The amendment, very simply, would reimburse States and their local jurisdictions for the costs incurred for the detention and imprisonment

of any alien who does not have permanent legal status and has been charged with or convicted of a crime.

The amendment will correct an inequity resulting from Federal Government immigration policies. No matter how you feel about the immigration bill, I think we can all agree that it is grossly unfair to burden the States and cities with the costs of illegal immigration. Because of the failures of Federal policies, States are often required and in fact are encouraged by the Federal Government to indeed incarcerate individuals who have committed crimes.

In fact, a letter that I have from Alan Nelson, the Commissioner of INS to Thomas Coughlin, the New York State Commissioner of Correctional Services, explains this policy this way, Commissioner Nelson says:

It is the policy of the INS, when we are contacted by state or local officials concerning aliens who have violated state or local laws in the commission of crimes to encourage state authorities to prosecute the alien. After the suspect has been convicted, served his sentence, or the sentence has been suspended, INS will take the alien into custody and institute deportation proceedings.

Well, I think it is terribly unfair that the States should be required to assume the costs in prison or jail for those aliens when they have no input into formulating these policies. If the Federal Government has good reason for delaying deportation, fine, but they should pay the costs.

Now, it is estimated that there are approximately 2,000 nonpermanent resident aliens in State prisons nationwide. While there are no hard figures for the numbers in city and county facilities due to the difficulty in eliciting what often must be self-reported data, many report experiencing similar burdens in overcrowding and high costs.

For instance, Dade County, FL, reports 400 aliens in their facilities; Harris County, TX, that is the county in which Houston is, reports 200, New York City estimates 100; Los Angeles County notified the INS of 1,800 undocumented aliens in its county jails between July 18, 1983 and January 1, 1984, whose sentences had expired.

What this amendment does is it says very simply, that the Federal Government should reimburse the States and the counties for those costs. There are five categories of immigrants in this bill, and all five are covered by the bill. Now, that is the full extent of the bill, and before yielding my time, I would like to yield to the gentleman from New York. The impetus for this legislation came not only from myself but from Congressman MARIO BIAGGI of New York, who gracefully allowed me, as a member of the committee, to go first, and I would like to recognize him.

I would like to, in fact, use a word that has been used quite frequently,

salute him for all the good work that he has done on this amendment.

Mr. BIAGGI. I thank the gentleman for yielding and also for his gracious attitude. It has also been a pleasure working together and to come to this point.

Mr. Chairman, as a coauthor of the pending amendment, I rise to urge the House approve it. In the spirit of fairness and the atmosphere of balance which pervades the consideration of this landmark bill, I contend that the Schumer-Biaggi amendment is consistent and compliments this bill.

The amendment would reimburse States for 100 percent of the costs incurred for the detention or imprisonment of any alien who does not have permanent legal residence and who has been charged with or convicted of a felony crime.

In terms of the numbers involved, it is approaching a national problem, and in some States it is already a major problem. According to the New York State Department of Correctional Services, there are an estimated 4,000 illegal aliens incarcerated in State and local prisons, with more than half coming from New York, Florida, and Texas. The following other States would also be eligible for reimbursement from this amendment: New Jersey, Pennsylvania, New Mexico, Arizona, Michigan, Louisiana, and Ohio. We estimate the total cost of this amendment at \$26 million based on the average annual cost of \$13,000 for the incarceration of an individual in the United States.

We are, in most cases, referring to a limited segment of individuals—those who achieved the status of illegality and compounded it by committing a felony crime in the United States. Going ever further in the narrowing process, we seem to find that most of these offenders come from the ranks of the so-called Cuban boat flotilla people who entered our shores beginning in 1980. The total number of Cubans accepted in the United States in 1980 totaled 125,000. Estimates of the number of those who were released from prison range from 10,000 from the Department of Justice, to 30,000 from a reliable Cuban source.

□ 1520

The CHAIRMAN. The time of the gentleman from New York [Mr. SCHUMER] has expired.

(On request of Mr. BIAGGI and by unanimous consent, Mr. SCHUMER was allowed to proceed for 5 additional minutes.)

Mr. BIAGGI. Mr. Chairman, whatever the number, these are the people who have found themselves transported to another locality, but resuming their criminal behavior.

How is it that they ended up in State prisons? According to the spon-

sor of the Senate amendment, my colleague from New York, Mr. D'AMATO, the problem stemmed from several sources. The first had to do with the inability of the Immigration Service, and later the Federal Bureau of Prisons, to accept these prisoners. The New York State Department of Corrections, when confronted with a dramatic increase in their illegal alien prison population, sought help. The law did not offer much specific relief. In order for an alien, legal or illegal, to be deported, he would have to be convicted of a specific type of crime; one of moral turpitude. Since a number of these aliens did not commit these types of crimes, they could not be deported.

The problem intensified when another section of law, 8 U.S.C. section 1252(h) was invoked, which stated that an alien sentenced for imprisonment is not to be deported until he has been released from prison because he has either served his sentence or been paroled. If a State, in order to save money, chose to parole the individual, then the INS faced the problem of having their facilities for detaining deportable aliens overcrowded. The Bureau of Prisons indicated they had an overcrowding problem, so they were no help.

Therefore, States exercised their responsibilities to protect the public safety of its citizens, and began to incarcerate these individuals.

Against this backdrop of Federal abdication of responsibility, States went to fill the void. While the overall number may seem small, and perhaps not even indicative of a national problem, let us evaluate the situation on a State-by-State basis. The single greatest negative impact these incarcerated illegals pose is their addition to an already overcrowded State prison system. Consider my home State of New York which is reliably estimated to have some 966 illegal aliens incarcerated in its system. These individuals occupy 966 spaces in a State prison system that already holds 3,000 more inmates than its capacity safely permits. Yet this is not peculiar to New York. It affects every other State where there are illegals jailed. It is an unfair burden to impose on a State without at least providing some degree of reimbursement.

On the issue of costs, again referring to New York, we estimate the costs associated with these incarcerations to be \$12 million a year. We would hope with this amendment to accommodate a full reimbursement of these costs to New York and all of the other affected States.

Let me again put this matter in some perspective. We seek to extend the so-called fairness doctrine as it applies to the whole of H.R. 1510. As the Members know, this bill is constructed with a balance somewhat precarious, but a balance nonetheless. I consider the issue of adequate reimbursement to

States and localities to be an integral part of this balance. H.R. 1510, as reported, addresses this issue to a limited extent. The Schumer-Biaggi amendment adds another important component to this formula; one which in some respects, is more worthy than other areas that are proposed for reimbursement.

I, like many of my colleagues, have been forced to vote for some very difficult propositions in recent days. In some eyes, this may be another. However, consider if you will, the plight of those 10 States which have been forced to shoulder the burden of incarcerating illegal aliens convicted of felonies. Consider how these 10 States have had the plague of released prisoners from Cuba entering their streets and establishing a new class of criminals. In New York City alone, where I represent, within a 15-month period after their arrival, 56 murders were committed by Marielito Cubans, all of whom were in prison before they came.

I again appeal to your sense of fairness when I ask for your support of this amendment. It is important to some of the largest States of this Union, who have shouldered an unfair burden for too long.

Mr. SCHUMER. Mr. Chairman, I appreciate the gentleman's remarks.

I would just like to make two final points before concluding. First, the Senate has adopted a similar provision to its immigration bill last year. The amendment was sponsored by Senator D'AMATO, who has worked very hard on this legislation.

The supporters of this amendment include the National Governors' Association, the National Association of Counties, the U.S. Conference of Mayors, the National League of Cities, and the American Correctional Association. The administration has expressed no opposition.

With that, I know that we have had some lengthy conversations between the good gentleman from Kentucky who has done such an outstanding job on this legislation throughout these past weeks, and indeed it was a fine debate that we have had, and the gentleman from New York [Mr. FISH] and I think he has some suggestions to make which then we could accept in terms of speeding the proceedings in the House.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from New York.

Mr. FISH. I thank the gentleman for yielding.

Mr. Chairman, this amendment provides 100 percent reimbursement to States and local jurisdictions for their costs associated with the detention or imprisonment of aliens either charged with or convicted by States of crimes, including petty crimes.

I understand the gentleman's rationale for this is that where an undocu-

mented alien here because of a failure of U.S. policy has been arrested and convicted of a felony and incarcerated, that that cost should not be borne by a State or local jurisdiction, but that there should be Federal reimbursement because it is, in a sense, our fault that the individual is here.

What concerns me is that rationale should not be extended beyond the undocumented. Amendment 65 as drafted applies to all aliens with the following single exception: aliens lawfully admitted for permanent residence.

The following classes of aliens appear to be covered by the reimbursement provisions of the amendment:

(1) Aliens during the time period of lawful temporary residence under the legalization provisions;

(2) All classifications of nonimmigrants including: "B" visitors for business or pleasure; "C" aliens in transit; "D" alien crewmen; "E" aliens entering pursuant to a treaty of commerce and navigation and certain relatives of such aliens; "F" and "M" students and certain relatives; "H" aliens of distinguished merit coming temporarily to perform services, temporary workers, and persons coming temporarily as trainees, plus certain relatives; "I" foreign media personnel and certain relatives; "J" exchange visitors and certain relatives; "K" the fiancées or fiancés of citizens and minor children of fiancées or fiancés; "L" intracompany transferees and certain relatives;

(3) Refugees and asylees before obtaining permanent residence;

(4) Persons paroled into the United States;

(5) Persons granted extended voluntary departure status or indefinite stays of deportation;

(6) Illegal aliens.

Amendment No. 65, in contrast to State legalization assistance provisions of H.R. 1510, does not attempt to reimburse States for costs associated with the implementation of the Immigration Reform and Control Act of 1983—but rather transfers to the Federal Government a responsibility presently borne by the States. Employer sanctions, if successful, will discourage the illegal entry of aliens—and thus reduce rather than increase detention costs for future illegal aliens who may violate—or be charged with violating—State laws.

What I am suggesting to the gentleman is that Federal assumption of the costs incurred by States for the detention of all aliens—except permanent resident aliens—convicted or merely charged with crimes, not just felonies, is really overly broad. I do, however, see a responsibility for that one category of the undocumented. The subject of undocumented aliens, after all, is what this bill addresses. We appropriately can address the costs incurred if an undocumented individual is convicted of a crime in a non-Federal jurisdiction.

I would like to say to the gentleman that I will do my best in the conference to see that the provision in the Senate bill is narrowed to this one cat-

egory which fits the rationale the gentleman has stated that this is a Federal responsibility. It just does not apply to refugees and nonimmigrants because those people come here lawfully and it is all agreed to under our ceilings and under our laws.

The CHAIRMAN. The time of the gentleman from New York [Mr. SCHUMER] has again expired.

(On request of Mr. FISH and by unanimous consent, Mr. SCHUMER was allowed to proceed for 2 additional minutes.)

Mr. SCHUMER. I thank the gentleman from New York. We had talked about the various changes that he had mentioned, the gentleman from New York and the gentleman from Kentucky, and we have come up with language that we think meets all of our agreements, and I would just like to read it for the record. Because of the rule, we cannot amend this amendment on the floor, but given that the complete language is in the Senate bill, given that the gentleman from New York and the gentleman from Kentucky have given their assurance that they will fight for this in conference and that the Senator from Wyoming has also seen the language of this amendment and reports it to be favorable, I would withdraw the amendment after getting the concurrence of the gentlemen from New York and Kentucky that this is the language that we will work for in the Senate conference.

I would just like to read the Senate language, the language here. It would be the same section, section (d):

Subject to the amounts provided in advance in appropriation acts, the Attorney General shall reimburse a State and a local jurisdiction in a State for 100 per centum of the costs incurred by such State or jurisdiction for the detention or imprisonment of any illegal alien convicted of a felony.

Does that language meet with the gentleman's approval?

Mr. FISH. That narrowed language does meet my objection and I will do my best to see that survives the conference.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Chairman, while I have not been privy to the entire conversation, the gentleman from Kentucky and the gentleman from New York have talked repeatedly over the last several days and I am satisfied with the explanation on this side. That sounds like a good handling.

The CHAIRMAN. Does the gentleman from New York [Mr. SCHUMER] ask unanimous consent to withdraw his amendment?

Mr. SCHUMER. The gentleman

from New York asks such unanimous consent, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent to speak out of order for 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OTTINGER. Mr. Chairman, I take this time to advise the Committee, since there will not be time for debate once we go back in the House, that when the Committee rises and we do go back in the House, I am going to ask for a separate vote on the amendment offered by the gentleman from Florida [Mr. McCOLLUM], that was passed earlier.

I think that amendment is particularly disadvantageous to the country, and unfortunate. It removed all class actions on behalf of those people whom the Immigration Service seeks to deport, and that is the only effective means by which refugees from repression overseas have to address their grievances effectively.

Refugees who seek asylum are represented by volunteer groups with very limited resources, and if they have to bring each one of these cases individually, it would be an impossible task. Furthermore, to have each asylum case brought individually would be a tremendous burden on our courts and a wasteful expenditure of public funds.

Second, the McCollum amendment gave arbitrary powers to the Immigration and Naturalization Service border guards to make determinations with respect to the legitimacy of refugees' requests for consideration under our laws with respect to being granted asylum. Those border guards are in no way equipped to be able to do that. The existing law provides that determination be made by an administrative judge.

Third, the McCollum amendment vastly restricted judicial review of asylum cases that are brought before the courts.

The chairman of the subcommittee, the chairman of the full committee, the ranking minority member, all opposed the McCollum amendment when it was offered. I think there was a good deal of confusion in the committee because the committee had just voted to support an amendment that I had offered that would have prevented the constriction of class actions to merely constitutional cases. So the committee had expressed itself as being in favor of class actions and then this broader amendment by the gentleman from Florida [Mr. McCOLLUM] was offered and was passed, I think without full examination by the committee.

I strongly urge that the committee defeat the McCollum amendment. It only prevailed by 16 votes, and upon reconsideration and full explanation of this amendment, I hope that it will be defeated when it is brought up in the full House of Representatives.

□ 1530

(By unanimous consent, Mr. McCOLLUM was allowed to speak out of order.)

Mr. McCOLLUM. Mr. Chairman, I have requested unanimous consent to speak out of order to respond to the gentleman.

Mr. Chairman, a few days ago, we debated what the gentleman has just brought up on the floor of this House and we had a vigorous debate and we had a vote on it in which the majority of this body voted to support the McCollum amendment, which would toughen and make workable the summary exclusion provisions that are in this bill.

I would like to briefly take the time of the body, since it appears it is going to be brought up for a revote, that is what the gentleman said, when the House rises and goes into the full House, or the committee rises, I should say, I would like to bring the Members up to date and remind them of what that vote was about and perhaps remind some of them why they voted for the McCollum amendment.

We have two different possible avenues that are taken when the Government questions the right of an alien to remain in this country and attempts to have him removed. One of them is called exclusion and the other is called deportation.

With respect to summary exclusion, the McCollum amendment does not touch on deportation. Deportation as such or the deportation process deals with somebody who has managed to get his foot on the shore, walk up the beach and then later be apprehended. It may be 1 day later, it may 1 week later, or it may be several years later. There is a long standing process under the laws that now exist on the books for deportation. We also have a procedure called exclusion which is designed to handle those cases where people are apprehended, as they cross our border or attempt to cross our border by the immigration officers and the border patrol.

Those folks are people who have never been in this country, but they have attempted to come here. They are very much apparent in my State of Florida and were those in many cases who came in during the Cuban Mariel boatlift a few years ago that many of you may remember. They crossed the borders. They were apprehended as they began crossing. They had not really gotten on our shores.

Under those conditions, the Government uses a process called exclusion. There are certain things that are han-

died a little differently for exclusion than they are for deportation, and they should be; but under the current laws that exist, only those who are stowaways on boats and those who are stowaways on planes and alien crewmen who jump ships can be handled in what is known as a summary fashion.

The McCollum amendment, as passed, advocates and allows for the processes to work that were intended in this bill and were crafted originally in the original Simpson-Mazzoli bill on summary exclusion to allow the Immigration Service when somebody comes in, like getting off a boat at the shoreline setting foot on our shores, to allow the Immigration Service to apprehend them while they are still on the beach and have an Immigration officer query them about: First, do they have any documents that would give them color to be here rightfully; second, do they have a claim for political asylum, and if they do have the documents or they do have a claim for political asylum; or third, if they have any other basis for being here that they claim, then they are brought into the process. If they have any documents or any claim for asylum, they are brought into the process and they are given a right to hearings before an administrative law judge. But under the bill, before the McCollum amendment was adopted, there were rights given to an alien to have an administrative law judge hearing even if the alien had no documents and no claim for asylum. There was an extra step, a procedure given where these people would have to be warned or given their rights to counsel and be told that there could be a redetermination by an administrative law judge if they did not agree with this decision, even though they had been checked already by the Immigration Service, even though they have not set foot on our shores, but are just beginning the process of trying to cross our border, and even though they had no documents, no claim to asylum, and no other basis for coming into the United States.

What my amendment did and what I urge the Members to protect, what my amendment did was to say that that second step does not have to be taken, that somebody who has not crossed our borders yet, is just in the process of being apprehended, should be treated as he would be treated if he came to a consul's office across the seas somewhere or if he were a stowaway or if he were an alien jumping ship and summarily excluded.

In other words, to insure that we have the capacity to handle and deal with future Mariel boatlifts, we need to have effective and workable summary exclusion. It does not deny anybody any rights. It simply makes for uniformity out of a condition that has existed for many years and many of us

thought existed all along, but apparently has not.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I will be glad to yield to the gentleman from California.

Mr. LUNGREN. Mr. Chairman, I just want to make it very clear that what we will be revoting on, will be a vote that we already had several days ago that was passed. The gentleman's amendment was passed by a recorded vote and that will be the subject of the vote, as the gentleman has explained it, not the McCollum amendment that had to do with legalization. This has nothing to do with that section of the bill.

Mr. McCOLLUM. That is right.

Mr. LUNGREN. It is something that we fully debated several days ago and decided by a recorded vote and has nothing to do with anything that we have really discussed today, except for the discussion in the last 10 minutes.

I hope that is clear to everybody when we go back into the full House.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman and reclaiming my time for 1 minute, the amendment had two other features in it. One of those features dealt with class actions. It struck the right for folks to bring class actions in exclusion, deportation, and asylum matters under our immigration laws. The gentleman is raising this again and I debated it at some length at the time.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(At the request of Mr. OTTINGER, and by unanimous consent, Mr. McCOLLUM was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. In a moment, if I might finish this.

There is a procedure for habeas corpus and multiple party actions for habeas corpus in the bill, and class action suits under these conditions and circumstances are simply not necessary. They are redundant and they add a delay in the process of asylum claims that have clogged up our courts and immigration hearings process in Florida and across the country. Now we have over 170,000 of them pending. We only had 3,800 of that type of claim back in 1978, just a few years ago; so we really need a streamline of the process that the adjudication section does and to further streamline was the purpose of that portion of my amendment.

The last thing that the amendment did was remove the automatic stay of kicking somebody out of the country that attaches when appealing an exclusion order, again protecting that automatic stay for deportation.

What this does is avoid some of many frivolous procedures that can be brought up to delay the process by

those who want to simply stop the processes and clog up our system and use this for the purpose of delay.

It still allows them to seek and get a stay if the judge, in his discretion, wants to give it.

So all I have done is try to streamline in this amendment the whole process to insure that we do not have another Mariel boatlift type of situation and be able to handle it if it ever were to arise again in the future, and to have a summary exclusion that is really workable and an asylum exclusion and deportation system that is workable.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. MAZZOLI. Reserving the right to object, Mr. Chairman, this is the last time the gentleman from Kentucky will permit any extensions. The gentleman from Kentucky, hereafter, will object to unanimous-consent requests for time.

We must move the bill along. I will not, however, object to this.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. OTTINGER] that the gentleman from Florida may proceed for 1 additional minute?

There was no objection.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, there is one thing that I think is very important to clarify and that is the impression the gentleman left was that all three of these provisions only applied with respect to exclusions.

The border guards are given what I consider to be an arbitrary right of exclusion, but the amendment's prohibition of class-action suits does apply to deportation actions. The elimination of the authorization for class actions that the gentleman has provided does apply both to exclusions and to deportation actions, and in the latter instance, particularly, it will do incalculable harm to the refugees whose lives may be at stake in deportation proceedings.

Mr. McCOLLUM. It applies, if I may reclaim my time, to the asylum procedures which could conceivably be under either exclusion or deportation because they are claiming to be refugees or maybe just aliens who have been apprehended either inside our borders or trying to cross the borders. It also applies to any and all other exclusion and deportation matters. Class

actions would be totally barred in all these immigration matters.

However, the amendment primarily deals with summary exclusion and that is critical. It also deals with the area that the gentleman is talking about, which is the asylum exclusion and deportation speedup.

If we are going to streamline this bill and allow summary exclusion to work, if we are going to allow asylum procedures to work and not have the delays and the frivolous procedures that we have had in the past, I urge my colleagues to revote for the McCollum amendment, as they did a few days ago when it comes up again, when the committee rises.

I hope they have listened to this summary debate and will check the RECORD to see how they voted before, because they will see that a sizable majority voted with me to sustain this improvement in the adjudication and summary exclusion area to make it streamlined and workable.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Iowa [Mr. SMITH] is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, before we move on to amendment No. 66, I want to give a little word of caution about amendment No. 65 which was withdrawn.

Now, the language they agreed to consider in conference is vastly better than the wording originally presented; however, it still includes felonies committed under State law. We are talking about a State determining what is a felony and then if they are convicted under the State law, the Federal Government is going to pay for their incarceration and the State determines how long they will remain incarcerated at 100 percent Federal cost.

Right now there are 5,000 such felons in prison. That would cost \$65 million per year.

Now, I could not help but notice that some of those who supported the proposal so strongly are the same ones who voted a few days ago for a 4-percent cut for law enforcement for the country over, including programs where the Federal Government helps or reimburses State and local governments.

Now, it is inconsistent to add \$65 million to this authorization bill and then cut them \$65 million in the funding bill.

□ 1540

A lot of those programs that were cut by 4 percent were programs that provide money to State and local communities. So I want to add a word of caution that supporting such a provision does not mean someone has found a new store where candy is free.

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Illinois.

Mr. O'BRIEN. I thank the gentleman for yielding.

Mr. Chairman, as the House knows, the gentleman from Iowa [Mr. SMITH] is chairman of our Subcommittee on Appropriations that deals with the immigration and naturalization appropriation and I, as ranking member, believe every word he said is correct. And I speak in support of his remarks.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. Chairman, so what such a provision would do is to add, if it is funded, \$65 million to the Federal law enforcement appropriations. Now, those who support this authorization should be prepared to support it when the appropriations bill comes up and do not vote for another one of those amendments to cut the grants to States for law enforcement under programs already in being.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Chairman, I could not agree more with what the gentleman has said. The gentleman from Iowa [Mr. SMITH], has just been an outstanding leader for the proposition that the Immigration and Naturalization Service needs adequate money. He has labored, and my friend from Illinois [Mr. O'BRIEN] the ranking minority member, the same way, labored mightily to bring forth a bill which had \$20 million for the recommendations of this subcommittee by way of authorization only to see the ignominy of a 4-percent across-the-board cut which not only does not have the \$20 million now but now we are even below the original recommendation.

So I agree 100 percent, if we are going to do something we have to pay the bill.

Mr. SMITH of Iowa. I thank the gentleman from Kentucky.

The CHAIRMAN. Amendment No. 66 is in order at this time.

Does the gentleman from California [Mr. LUNGREN] desire to offer amendment No. 66?

Mr. LUNGREN. No. Mr. Chairman, I do not.

Mr. EDWARDS of California. Mr. Chairman, the gentleman from California [Mr. LUNGREN] has withdrawn amendment No. 66. If he had offered it, I would have opposed it. It would have substituted block grants for Federal reimbursement for the costs of legalization.

Immigration decisions are made at the Federal level. The financial ramifications of those decisions cannot in good conscience be passed to State and

local governments who are suffering their own budgetary difficulties in this troubled economy. Because cost projections for legalization are based on conflicting data and varying assumptions, none of which have been validated, there simply is no way of predicting what costs will incur from the legalization program. I am the author of the current reimbursement provision in the bill which was designed to hold the State and local governments harmless for a limited period of time—fiscal year 1984 and the following 3 years—if costs should incur.

By maintaining the current language, we can demonstrate the good-faith concern of the Congress for the fiscal integrity of the States, counties, and municipalities. If there are no significant costs for programs of public assistance as a result of legalization, there will be no substantial financial burden under the current language for the Federal Government.

If significant costs do result, the current language in the bill guards against a unilateral imposition on our partners in federalism of financial burdens which they have no way to predict and over which they have no control.

It must be emphasized that no one knows what the costs of legalization will be, either for the Federal Government or for State and local governments. I have attempted to have some good-faith estimates developed by various groups, and I can personally vouch that it is like asking for the proverbial number of angels capable of dancing on the head of a pin.

The Department of Health and Human Services and the Office of Management and Budget both did cost estimates. The high estimate was 800 percent higher than the low estimate—quite an extraordinary range!

The point that needs to be made here is not how high a cost figure can be developed in order to scare the daylights out of everyone. The point is just this: There is great disagreement on the basic assumptions that were used to develop the various figures. No one knows how low or how high the cost will be. Under the Lungren amendment, the risk is removed from the Federal Government, where it belongs, and is placed on State and local governments, where it does not belong.

The legalization program as reported by the Judiciary Committee would make newly legalized aliens ineligible for most Federal programs. But, they will remain eligible for cash assistance, medical assistance, and other services offered by States and localities to residents living in their domain. Many States have equal protection clauses in their State constitutions that prevent the State from treating different residents differently. And, we all remember that, when the State of Texas re-

cently argued that the State should not have to pay for the cost of educating the children of undocumented aliens, the Supreme Court rejected their arguments.

The block grant amendment gives the appearance of assistance, but what it really does is protect the Federal budget at the expense of the State and local governments. The current language in the bill appropriately accepts our Federal responsibility, with a fiscal honesty that assures our partners in federalism we will not unilaterally impose costs on them over which they have no say.

Mr. Speaker, I wholeheartedly believe that legalization is a worthy goal and I am hopeful that the costs of legalization will be minimal. Whatever those costs turn out to be, however, they should be borne by the Federal Government. I remind my colleagues that a vote for the block grant amendment is a vote to shift those costs to the State and local governments.

The block grant proposal is opposed by the National Governors' Association, the National Conference of State Legislatures, the National League of Cities, the U.S. Conference of Mayors, and the National Association of Counties, among others. As the author of the reimbursement provision currently in the bill, which was adopted by a majority of the Judiciary Committee members, I urge my colleagues to stand with me and to vote against this block grant amendment.

The CHAIRMAN. Amendment No. 67 reported by the Committee on Education and Labor is in order at this time.

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent to strike the last word so I may engage in a colloquy with the chairman of the subcommittee, the gentleman from Kentucky.

The CHAIRMAN. Without objection, the gentleman from California [Mr. WAXMAN] is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Chairman, I would like to ask the chairman of the subcommittee a few questions if I may.

The committee bill provides for reimbursement of State and local governments for programs of public assistance that "provide medical or other assistance" to meet "the health needs of individuals or required in the interest of public health."

Is it your understanding that this provision includes such general public health services as immunizations or the testing and control of tuberculosis and venereal disease or community and migrant health services?

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Yes, it would, in the opinion of the gentleman from Kentucky.

Mr. WAXMAN. Mr. Chairman, if the gentleman [Mr. MAZZOLI] is a member of the conference committee—as I certainly expect he would be—would it be his intention to clarify the reach of the public health authority in the bill, either through statute or report language.

Mr. MAZZOLI. If the gentleman would yield further, the gentleman from Kentucky, if he is named a conferee in connection with my friend from California [Mr. LUNGREN] certainly it would be my intention and I expect it to be the will of the group to try to clarify this intention, yes.

Mr. WAXMAN. I thank the gentleman very much for answering those questions.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT NO. 67 REPORTED BY THE COMMITTEE ON EDUCATION AND LABOR AND OFFERED BY MR. GOODLING

The CHAIRMAN. Amendment No. 67 reported by the Committee on Education and Labor is in order at this time.

Does the gentleman from Pennsylvania [Mr. GOODLING] desire to offer the amendment?

Mr. GOODLING. I do, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment No. 67 offered by Mr. GOODLING: Page 102, after line 5, insert the following new section (and insert a corresponding item in the table of contents):

AMENDMENTS TO THE REFUGEE EDUCATION ASSISTANCE ACT

SEC. 304. The Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended—

(1) by striking out "each of the fiscal years 1981, 1982, 1983," in section 102(a) and inserting in lieu thereof "fiscal year 1981 and for each subsequent fiscal year";

(2) in the first sentence of section 201(c) by inserting "from State or local educational agencies" after "not available" and by inserting "from the most recent data available from the Immigration and Naturalization Service" after "of estimates";

(3) in the first sentence of section 301(c) by inserting "from State or local educational agencies" after "not available" and by inserting "from the most recent data available from the Immigration and Naturalization Service" after "of estimates"; and

(4) by adding at the end of section 402(a) the following new sentence:

"Funds available under this title shall, to the maximum extent feasible, be used for programs of instruction of such adult refugees in order that they may gain an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language, and a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States."

Mr. GOODLING. Mr. Chairman, this amendment has three purposes:

Clarifies an ambiguity in the Refugee Education Assistance Act to ensure its permanent authorization.

Provides flexibility for a local school district to use Immigration Naturalization Service data in determining the number of eligible children under this act.

Provides for emphasis on English language proficiency and knowledge of the history, principles, and form of Government of the United States in any adult education program under both this act and the Refugee Education Assistance Act.

The Education and Labor Committee unanimously adopted this amendment which provides for necessary technical changes in the Refugee Education Assistance Act to ensure that conformity of intent applies to both REAA and H.R. 1510. First, since REAA created a permanent authorization for refugee education assistance, this amendment corrects an ambiguity in that act to ensure that the authorization of appropriations in section 102 of that act conforms with sections 201, 301, and 401 of REAA. The second part of my amendment provides school districts with the flexibility to use Immigration and Naturalization Service data to determine the numbers of eligible children when local school districts have not compiled their own independent count. In the case of large urban school districts like New York City, independent data collection activity could be prohibitively expensive.

In addition the amendment provides that funds for adult education programs under this act, to the maximum extent feasible, shall be used for programs of instruction for eligible recipients in order that they may gain an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language, and a knowledge and understanding of the fundamentals of history, and of the principles and form of government, of the United States.

In our committee report we made it clear that we do not intend by this provision that the U.S. Department of Education has any authority to develop rules, regulations, or guidelines regarding curriculum, methodology of instruction, or course content which are clearly under the jurisdiction of State and local recipients. The committee merely intends that State and local recipients of these funds must certify that, to the maximum extent feasible, the Federal moneys are being utilized for the purposes noted in the amendment. The committee does not envision that this amendment will result in separate audit trails or the establishment of entirely separate adult education programs. The committee merely wishes to reinforce the point that it is the responsibility of

State and local officials to utilize the Federal dollars for adult education under this act for the intended purposes.

I urge the adoption of this amendment.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the chairman of the subcommittee.

Mr. MAZZOLI. I thank my friend from Pennsylvania for yielding.

The gentleman from Kentucky has examined the gentleman's [Mr. GOODLING] amendment and we find it constructive and we are prepared to accept it.

Mr. GOODLING. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment No. 67 reported by the Committee on Education and Labor and offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

Mr. MOAKLEY. Mr. Chairman, I ask unanimous consent to address the House for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MOAKLEY. Mr. Chairman, realizing the stage of consideration that the committee has reached, I will use only a small portion of my time. However, I rise in support of title 4, stating the sense of Congress that we should offer extended voluntary departure to El Salvador refugees in the United States.

I commend the gentleman from Kentucky for his cooperation and leadership on this matter. But, I did wish to pose a question to the distinguished manager of the bill. This morning my subcommittee held hearings on a related measure, H.R. 4447, and heard testimony on behalf of the administration.

The State Department witness, Assistant Secretary Abrams stated, in substance, that this administration's posture was to ignore sense of Congress findings if they happen to be inconsistent with the administration's policy preferences.

In view of this advance notice that our exercise in passing this title will be ignored, what subsequent action does the committee expect with regard to El Salvador refugees?

Mr. MAZZOLI. Mr. Chairman, will the gentleman from Massachusetts yield?

Mr. MOAKLEY. I yield to the manager of the bill, the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman from Massachusetts.

Mr. Chairman, while I was unaware of that statement, certainly there is perhaps constitutional separations of powers here but it is certainly the effort of the gentleman from Ken-

tucky, who is the chairman of the subcommittee hearing the gentleman's [Mr. MOAKLEY] bill to move that bill along. If it seems like, unfortunately, this sense of Congress might be ignored, the intention would be to move the bill.

Mr. MOAKLEY. Mr. Chairman, I thank the gentleman from Kentucky.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT NO. 68 OFFERED BY MR. ROYBAL

The CHAIRMAN. Amendment No. 68 is in order at this time.

Does the gentleman from California [Mr. ROYBAL] desire to offer amendment No. 68?

Mr. ROYBAL. I do, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 68 offered by Mr. ROYBAL: At the end of the bill, add the following new title (and conform the table of contents accordingly):

TITLE V—NATIONAL COMMISSION ON IMMIGRATION

NATIONAL COMMISSION ON IMMIGRATION

SEC. 501. (a) There is established a National Commission on Immigration (hereinafter in this section referred to as the "Commission") to conduct studies and analyses and to report to Congress concerning—

(1)(A) the push and pull factors affecting unauthorized immigration to the United States,

(B) the development, in partnership with Latin American countries, of reciprocal trade and economic development programs of mutual benefit,

(2) the incentives for employers in the United States to employ aliens who are not authorized to be so employed,

(3) the reliance of the agricultural industry on the employment, on a temporary basis, of aliens not authorized to be employed in the United States, and

(4) the existence and extent of backlogs for the issuance of immigrant visas to aliens who have approved petitions for immigrant preference status.

(b)(1) With respect to the topics described in subsection (a), the Commission shall—

(A) review and analyze the economic and social conditions, patterns, and trends in the United States and in foreign countries which affect unauthorized immigration into the United States, the short-term and long-term problems in the United States and elsewhere associated with such unauthorized immigration, and potential solutions to such problems;

(B) take into account, in such reviews and analyses—

(i) prevailing and projected demographic, technological, and economic trends affecting immigration into the United States;

(ii) the impact of immigration laws, and their enforcement, on unauthorized immigration and on social and economic conditions in foreign countries;

(iii) how unemployment in particular areas and occupations in the United States is affected by unauthorized immigration; and

(iv) the laws, policies (including trade policies), and procedures governing economic and diplomatic relations between the United States and foreign countries; and

(C) make recommendations respecting additional statutory and other changes that should be made to best deal with unauthorized immigration into the United States.

(2) With respect to the topic described in subsection (a)(1)(B), the Commission shall review and study the short- and long-term measures promoting reciprocal trade and economic development programs of mutual benefit to the United States and Latin American countries. The Commission's reviews and analyses under this paragraph shall focus on, and be conducted in close consultation with the governments of, those foreign countries from which nationals are most likely to immigrate without prior authorization to the United States. The Commission shall present its recommendations to the Congress with respect to this topic not later than 18 months after the date of the enactment of this Act.

(c)(1) The Commission shall be composed of fifteen members as follows:

(A) Five members appointed by the President, not more than three of whom are members of the same political party and not more than three of whom are officers or employees of the Federal Government.

(B) Five members appointed by the Speaker of the House of Representatives, not more than three of whom are members of the same political party and not more than two of whom are members of Congress.

(C) Five members appointed by the President pro tempore of the Senate, not more than three of whom are members of the same political party and not more than two of whom are members of Congress.

In making such appointments, due consideration shall be given to securing representatives on the Commission from a variety of constituencies, including State and local government officials and individuals and representatives of organizations with experience or expertise in immigration matters. Appointments to the Commission shall be made within ninety days after the date of the enactment of this section. Members shall be appointed in a manner that provides for balanced representation of all interests.

(2) The chairman and the vice chairman of the Commission shall be elected from among the members. The term of office of the chairman and vice chairman shall be for the life of the Commission.

(3) The chairman may invite for the purpose of participating in any meeting or hearing held by the Commission, and for the purpose of contributing to the studies to be conducted and the recommendations to be developed by the Commission, such representatives of the governments of countries as the Commission deems desirable.

(d)(1) Members shall be appointed for the life of the Commission.

(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(4) The Commission shall meet at the call of the chairman of a majority of its members.

(e)(1) Each member of the Commission who is not an officer or employee of the Federal Government shall, subject to such amounts as are provided in advance in appropriations Acts, receive \$150 for each day (including traveltime) during which the member is engaged in the actual performance of duties of the Commission.

(2) Members of the Commission who are officers of employees of the Federal Government shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(f)(1) The Commission shall have a director who shall be appointed by and whose rate of pay shall be fixed by the chairman.

(2) The chairman may appoint and fix the rate of pay of such additional personnel as the chairman deems desirable.

(3) The director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(g)(1) The Commission may for the purpose of carrying out its duties hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable. To the extent feasible, the Commission shall hold at least some hearings in the border regions of the United States.

(2) The Commission shall, to the maximum extent feasible, conduct its activities through the establishment of three expert panels, each of the panels to provide detailed information and recommendations to the Commission respecting one of the topics described in subsection (a).

(3) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants at a rate to be fixed by the Commission, but not in excess of \$150 per diem (including traveltime). While away from his home or regular place of business in the performance of services for the Commission, any such person may be allowed travel expenses including per diem in lieu of subsistence.

(4) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties. Upon request of the chairman, the head of such agency or department of the United States shall furnish all information requested by the Commission which is necessary to enable it to carry out its duties.

(5) The Commission may accept, use, and dispose of gifts or donations of services or property.

(6) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(7) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h)(1) The Commission shall transmit a report to the Congress not later than three years after the date of the enactment of this Act. Such report shall include a summary of the reviews and analyses conducted by or on behalf of the Commission and such recommendations as the Commission deems appropriate.

(2) The Commission shall cease to exist on the thirtieth day beginning after the date of the transmission of the report under paragraph (1).

(i) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

Mr. ROYBAL. Mr. Chairman, this is perhaps the most important amendment that will be presented today. It is important because it deals with the cause, not the cost, but the reason that immigrants come to the United States from Latin America and from other countries of the world. The Simpson-Mazzoli bill has not addressed itself to the cause or to the reason.

The reason that they come here to the United States is because they are starving in their own country. The poverty that exists in their own country is such that they run away from their country, seeking a means of raising whatever is necessary to keep life and limb together in their country of origin. They run away from their own oppressive government which we support, and they come here to feed and support their families, they want to live in peace, and not in poverty, and that is the reason why they come here. They also have the opportunity to get employment here in the United States and those that employ them do so because they work for less and then they also work longer hours under adverse conditions.

We are not going to be discussing that particular point now because the committee has already passed their so-called sanctions that are supposed to take care of that situation. But what the committee does not have is the mechanism that will make it possible for those of us in this Congress and in the United States of America to study the situation, the problems that they have, and to make recommendations with regard to, immigration in this hemisphere and, secondly, make recommendations regarding the means and ways of preventing the poverty and illiteracy that exists in those countries that are sending people to the United States.

□ 1550

That can be done with this amendment. It is my proposal that the amendment would authorize the establishment of a 3-year national Commission on Immigration that would be comprised of 15 members for the purpose of recommending statutory and other changes to best deal with the unauthorized immigration to the United States occurring after the enactment of this bill.

But it also does something else that is most important. This Commission will become an integral part of a group that will study and make recommendations of short- and long-term measures, promoting reciprocal trade and economic development programs of mutual benefit to the United States and to Latin American countries.

This recommendation is being made because we already have experience in that field. The Members probably remember that when we destroyed Europe during World War II we rebuilt Europe and today we are dealing with them on an equal economic basis.

My colleagues also probably remember that we bombed Japan twice during World War II and now they are bombing us with Toyotas, and with Datsuns, and with computers. And that instead of sending Japan the implements of war what we are doing is trading with them and sending them those things that they need to build up their economy.

I think that this is an amendment that should be adopted by this House for it is most necessary that we start looking into these causes that bring the poor to our shores. It is most necessary that we do everything that is humanely possible to end the poverty and illiteracy that brings these people to the United States.

I know of no one of Japanese background, other than students and visitors, who are here in the United States illegally because they have employment in their own country. They do not come here seeking employment, as they do from Latin America.

Well, the same result can be had if this Commission is set up and that within 3 years a positive recommendation be made so that the United States of America can help these underdeveloped nations to end the poverty and illiteracy that they now suffer with positive action that can take place to help them help themselves. If we are really interested in immigration reform and interested in solving the problems of the future, we should do this now.

Mr. MAZZOLI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me—since I seem to have coined the word “salute,” I understand that I am now the gentleman from “Salute,” or something, instead of from Kentucky—salute the gentleman from California [Mr. ROYBAL] on, I think, a good offering here. Because one of the problems we had was we do need to look down the road to see what is in the offing in the event that our bill passes in a few minutes, what happens when people are legalized, what happens period in the question of immigration and refugee policy.

So I commend the gentleman for the amendment. It is a good offering. It is acceptable.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Chairman, I would say that we would accept it. I am not quite sure it

is necessary at this point. It may be a repetition of the select commission that we had that actually came up with something good. But it is certainly something that we could take a look at. There is no reason to object to it at this time.

The CHAIRMAN. The question is on amendment No. 68 offered by the gentleman from California [Mr. ROYBAL].

The amendment was agreed to.

AMENDMENT NO. 69 OFFERED BY MR. PATTERSON

The CHAIRMAN. Amendment No. 69 is in order at this time.

Does the gentleman from California [Mr. PATTERSON] desire to offer amendment No. 69?

Mr. PATTERSON. I do, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 69 offered by Mr. PATTERSON: At the end of the bill, add the following new title (and add corresponding items to the table of contents):

TITLE V—CONSULTATION IN IMPLEMENTATION OF ACT

COOPERATION WITH STATE AND LOCAL TASK FORCES

SEC. 501. In order to provide for a highly coordinated and cooperative effort in the implementation of this Act and to insure that such implementation is fair and effective, the Attorney General, the Secretary of Labor, and the Secretary of Health and Human Services shall regularly consult and maintain close contact with regional and local advisory task forces established by State and local governments composed of interested private and public sector organizations. These task forces may—

(1) review and comment on regulations and procedures proposed to carry out this Act;

(2) monitor and evaluate the implementation of this Act; and

(3) recommend such actions as may be necessary to improve implementation of this Act in their respective areas.

The Attorney General, the Secretary of Labor, and the Secretary of Health and Human Services shall consider the recommendations of these task forces in the implementation of this Act.

Mr. PATTERSON. Mr. Chairman, I rise to offer amendment No. 69 to the Immigration Reform and Control Act. The purpose of this amendment is to facilitate the implementation of programs authorized under H.R. 1510.

Throughout the long and informative debate of this legislation, a myriad of fears have been expressed about the impact this bill will have on the Nation and local communities. Many are concerned not only about the ability of the Immigration Service to carry out the mandates of this legislation, but its ability to do so fairly and effectively.

With good reason, many fear that employment practices may be reshaped under legislation which requires employers to verify the identification of workers eligible for hire. In

general, it is believed that this legislation may alter the attitudes of the American public with respect to its own plurality. Legal residents of Hispanic or Asian descent have well-founded fears that this bill may set them apart in employment and in the minds of other Americans.

This amendment acknowledges the regional impact of Federal immigration law by establishing a communication mechanism for feedback and resolution when problems arise during the implementation of H.R. 1510. This is achieved by permitting local and State governments to join with representatives of community organizations, voluntary agencies, health administrators, agricultural workers, organized labor, ethnic groups, and other interested parties to form local-based task forces. The function of these task forces is to advise and improve the implementation procedures of this act.

This communication mechanism has the explicit support of the National League of Cities, the League of California Cities, Los Angeles County and Orange County.¹ In his June 1983 report assessing the impact of Simpson-Mazzoli for Orange County, CA, David North comments on the concept by saying "It sounds like an excellent idea."² In March 1983, California Senator David Roberti testified before the House Immigration Subcommittee on behalf of the National Council of State Legislators.³ He urged that INS work closely with State and local officials in the development of implementation procedures, especially concerning legalization. This is a concept realized by nonprofit organizations such as the National Immigration, Refugee, and Citizenship Forum. It is not a novel idea. It is practical and necessary.

The goal of Immigration Reform and Control Act is to set up an enforcement system that is both effective and nondiscriminatory. This can be accomplished only if there is good communication between responsible Federal officials and the many affected public and private sector groups.

Unfortunately, good communication does not simply happen. A recent point of reference is in the refugee resettlement program. While the Immi-

gration Service worked hard to respond to an international crisis; in areas like Orange County, CA, there was little coordination with local authorities responsible for the major thrust of refugee resettlement. The Immigration Service suffered from poor planning, insufficient resources, and misdirected management. Where local problems surfaced, a lack of rapid response by Immigration field offices planted community hostilities prevalent even today. Most important, and in retrospect, it can be told that a major problem in these resettlement efforts was lack of coordination and communication especially between Federal, State, and local agencies and private organizations involved in the effort.

My office files hold many examples of local citizens and city officials asking for assistance in the course of the refugee resettlement program. A simple example is the July 1981 letter from a city official registering complaints about civil disturbances resulting from immigration applicants who "camped" in lines several blocks long outside of the local INS satellite office. While hundreds of people waited around the clock for applications to be processed, INS completed 20 per day. When I inquired with INS officials here in Washington to see if more personnel might be detailed to assist with the unusual demand for services, it took 4½ months until this simple problem was solved.⁴ This is not the type of rapid action and feedback which I am advocating we need, should the Immigration Reform and Control Act be adopted.

Under the strict timeframes outlined by H.R. 1510, the INS will not be able to implement authorized programs as directed by Congress, unless it can provide rapid resolutions and policy direction at each point during implementation. If communities frustrated by INS district office inaction are required to seek relief through their elected representatives and then wait 4, 5, 6 months or more for feedback—these programs are destined to failure, and the predictions of those who oppose this bill, for whatever reasons, will prove correct.

The communication mechanism I envision would not require a local participation; however, it would require a Federal response to local requests for consultation, cooperation, and recourse in the implementation of programs affecting communities. Local advisory task forces would be voluntary and self-financed. In the long run, they would reduce costs by helping to identify and resolve problems early on,

¹ National League of Cities, Resolution Adopted on Dec. 1, 1982; League of California Cities, General Assembly, Resolution Adopted at Annual Conference on October 20, 1982; Orange County Board of Supervisors, Resolution Adopted on November 3, 1982; and Los Angeles County Board of Supervisors, Motion of Support Adopted on Mar. 22, 1983. Follow-up Letter to Congress by Supervisor Deane Dana on Mar. 30, 1983.

² Orange County estimate as provided by David S. North, TransCentury Foundation, "A Revised Update Assessment of the Impact of Simpson-Mazzoli on Orange County, California," pp. 13-14, June 17, 1983.

³ Hearings of the House Subcommittee on Immigration, Refugees and International Law, California State Senator David Roberti on behalf of the National Conference of State Legislatures, Mar. 16, 1983.

⁴ Letter to Acting INS Commissioner Doris Meissner, Aug. 6, 1981, recounting local difficulties with INS processing of immigration applications. Letter from Office of the Commissioner, Dec. 8, 1981, resolution of processing backlog and associated community disturbances.

and by generating suggestions for improved implementation based on local conditions.

Not every community will have the resources nor will they find it necessary to establish and participate in such an advisory task force. One of the most distinct features of this act, and immigration law in general, is that it affects communities throughout our Nation unevenly.

In some localities, only a handful of legalization applications will be filed in the entire 12 months of the program. INS employer checks will be uncommon, and sanctions enforcement will not be necessary. Imported foreign workers will work in areas remote from these communities.

In the congressional district I represent, tens of thousands will apply for legalization, each with applications requiring individual review and processing. At the same time, targeted interior enforcement raids will no doubt disrupt workplaces, and scores of employers hiring undocumented workers will be penalized. Simultaneously, thousands of guest workers will settle temporarily in our neighborhoods while they work in nearby fields or are hustled on to meet the demands of growers elsewhere.

In the 38th Congressional District of California, the Immigration Reform and Control Act promises to have a startling impact. The simultaneous introduction of programs of this magnitude, each with inherently conflicting objectives, will result in confusion and hostility not yet imagined by this House. Without some form of coordination between local organizations and the guarantee of responsiveness from the Federal implementing agency, an unwieldy administrative and operational nightmare will result.

Today, the INS has fostered great distrust and a poor public image in Orange County. This results from past enforcement tactics—raids on businesses and in neighborhoods, mistaken deportations, and an overzealous attack on Hispanics. I realize that in its plans for legalization, INS has organized a Community Relations Service to help educate and calm the fears of local communities. But, INS must engage in a massive in-house reeducation program, if it is to fairly implement this act.

Inherent in the bill are examples of policy guidance and decisions which will be required during implementation. At the end of this long and intense debate, I would like to summarize some of the anticipated problems and policy conflicts which remain clear:

ANTICIPATED PROBLEMS AND POLICY CONFLICTS

Legalization.—Instituting full-scale legalization program over the short-term (12 mos.) versus apprehending those who have

been resided in the U.S. (eligible or ineligible) and subject to deportation.

Employer sanctions.—Enforcing as complete an employer sanctions program as possible (requiring massive education/re-orientation effort at INS) versus continuing business as usual with no redefinition of operating procedures by INS (i.e., raids, corralling of workers, etc.).

Enforcement.—Re-education of INS personnel to comply with reform (counselors versus patrol) versus inability to re-direct resources to new non-aggressive enforcement methods.

Emphasis on interior enforcement tactics (disruption of businesses versus concentration at the border).

Temporary worker program.—Employment dependence needs in the short-term (Agriculture) versus need to reduce dependence on temporary workers in the long run (Labor).

Arduous agricultural work—no domestic interest versus domestic unemployment (U.S. Black Youth unemployment is 59 percent).

Importing 1 million foreign workers annually versus displacement of U.S. agricultural workers.

Cost.—Reimbursement to local governments for costs incurred during implementation versus level of federal commitment and budget authority to implement fair and effective immigration policy.

Identification system.—Open disclosure of identity to meet employment or legalization requirements versus lack of confidentiality, fear that if records are inadequate, immediate deportation or employment discrimination will result.

I.D. verification for employment versus threats to basic civil liberties as "national I.D." gains broader use.

These issues greatly concern me and leave me to question where the balance in our immigration policy will lie. The authority for implementation rests predominately with one Federal agency. In this process, explicit priorities must be stated to ensure that from Washington to each district office coherent directives are put in place. Where there is conflict, local communities must be able to ask for clarification and receive rapid administrative remedy from the Commissioner in Washington. I believe the task of immigration control demands that communities most affected have recourse.

In closing, I would like to point out that the magnitude of this legislation has never been tried before. Of all 19 countries documented in the 1982 GAO report, only France attempted to institute employer sanctions and a "regularization" or legalization program at the same time. In this case, it must be noted that the sizable undocumented population of France resulted from years of dependence on foreign laborers to meet domestic shortages after the World Wars. To legalize these undocumented residents, France has had five legalization programs since 1970—each with marginal rates of success. Employer sanctions have

also been ineffective due to lack of enforcement.⁵

The participation of State and local advisory groups will greatly enhance the implementation of this legislation. A historical reference which supports the concept of local involvement in immigration and refugee program implementation can be cited with the Displaced Persons Act of 1948. In the resettlement of hundreds of thousands of displaced persons after World War II, the U.S. relied on State and local commissions and committees to make the DP program a success.⁶

With this bill, the United States takes a giant step to achieve immigration control. Although I hesitate in belief that smaller, staged steps might not have been better contemplated, I am certain that immigration control will not come about without community coordination and cooperation. I urge my colleagues to support this amendment.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. PATTERSON. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Chairman, I think this is a constructive amendment. We have checked it on our side and we believe that it makes an addition to the bill and we are prepared to accept it.

Mr. PATTERSON. I thank the gentleman.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. PATTERSON. I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Chairman, in view of the fact that this is the last amendment and this will end debate on this, we happily accept the gentleman's amendment.

Mr. PATTERSON. I thank the gentleman.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my purpose is not to speak on the issue of the amendment before us, but as we wind down the debate on this issue and we come to a final vote after 7 arduous days, I simply wanted to call the body's attention one more time to one particular aspect of the legislation before us.

I say that in the context of having a tremendous amount of respect and admiration for the work of the sponsors of this bill in doing something that they believe will truly be a positive and balanced contribution in the area

⁵ General Accounting Office Report, "Information on the Enforcement of Laws Regarding Employment of Aliens in Selected Countries," Aug. 31, 1982.

⁶ The DP Story: The Final Report of the United States Displaced Persons Commission, "A New Look At Immigration," pp 345+, 1952.

of immigration reform. I surely hope that their hopes prevail over some of our fears about the final outcome of this.

There is one particular issue that was placed into this legislation by amendment, the Panetta-Morrison amendment, recommended by the Committee on Agriculture. I want to implore the managers of the bill, the people on the conference committee, to understand the full implications of what that particular amendment does. If it sticks in the legislation we will have participated in a process that, inadvertently perhaps, although I am not sure it was that far removed from some of the forces that were pushing the legislation, will set back an effort which began 25 years ago to bring farmworkers into the mainstream of the American work force.

If the body recalls the history of the movement to unionize farmworkers, it was not until the termination of bracero programs that that movement first became effective.

For years, in the thirties and forties, after World War II, and in the fifties, there were futile attempts to organize, to achieve a better wage, better living conditions for agricultural workers.

□ 1600

They have been excluded for so long from so many of our major pieces of social legislation. It was not until 1964 and the termination of the bracero program that that movement finally got its start, and there have been many, many gains. Anyone who looks at the history of wages and working conditions in agriculture sees what that movement toward unionization and the work of Cesar Chavez and the United Farm Workers Union has done for not only their own members but for all agricultural workers in many areas of this country, and most particularly California. And the fear that many of us have is that this amendment, which will constitute a tenfold or twentyfold expansion in a foreign-guest-worker program in the context, ironically, of a piece of legislation which has as one of its major purposes preventing job displacement of American workers, that this program will put a tremendous barrier in front of this effort, will set it back again 20 years, which will, when combined with other efforts, as we are now seeing in California through appointments and legislative efforts to halt that movement, that budding movement, will perhaps be a tremendous setback to that cause.

I implore the managers of the bill on both sides to look very carefully at this. It does not belong in this bill. In the context of the valiant effort to save the legalization program that you have successfully waged today and yesterday, the work force for agriculture is in the United States and can be

utilized and should have the rights and benefits of all other workers in this country.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to make an observation. After sitting here for 7 days off and on, I think it is worth the House kind of taking note that we have spent all this time in an effort to stop or at least reduce the amount of people trying to come into this country, whereas the Soviets spend all their time trying to keep people from fleeing their country. I think it is an interesting comparison.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before the House takes its final vote on this far-reaching immigration reform legislation, I would like to make some general remarks about my support for this bill.

The problem of illegal immigration has been recognized for decades. Potential solutions have been studied, debated, and argued for years as the problem has grown worse with no action. I realize that the bill before us is not perfect. But it is the product of more than 10 years of work on this issue and as far as I can tell no one has come forward with a better answer. In my judgment, this bill is a carefully crafted and delicately balanced approach.

There are those who say that we should do nothing at this time but we have delayed for years with no better solution being advanced. There are those who say that employer sanctions are unfair and unenforceable but, it may be the only effective disincentive to illegal immigration, and the House has gone to great lengths to safeguard individual rights. And there are those who say that legalization is wrong, but we must take action to address the inequities and exploitation that some 10 millions of decent, hard-working aliens have suffered because they live outside of the law. It is not right in the fear that some discrimination might possibly happen, to keep 10 million aliens hiding in fear and frustration. They have no voice—except the Congress.

I believe that if many of our citizens who have opposed this bill would read the committee report and the House debate, they would realize that this is not an evil bill. It is not racist. It is not a subversion of civil liberties. It is a fair and reasonable attempt to bring some sense and order to the chaotic immigration situation.

In 1972, I voted for imposing sanctions but that bill never became law. Now, 12 years later, the problem has only grown worse and no new remedies have been advanced. The Austin American Statesman, in a recent editorial, stated: "It is past time to deal

with the problem, and it won't get better by waiting."

While I do not agree with all of the provisions in the bill or all of amendments that have been adopted, I believe that this is the only practical solution we have.

Immigration reform is a particularly sensitive issue in my district in central Texas and I have heard from many constituents who oppose some aspect or another of this bill. But no one has been able to convince me that there is a better solution or that by waiting another year or another decade that the situation will improve or that the solutions will be easier.

This is a difficult vote for all of us and each of us may have some doubts about this bill. But the only thing that is certain is that this problem will not go away and if we refuse to deal with it now it will only get worse.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I salute the gentleman. His whole career has been notable for courage and for being a stalwart person in search of the best solution to a problem. He did so last year in the Social Security bill. Let me salute the gentleman for making a statement which I hope that those of us who have heard it and those who have observed these proceedings will consider very carefully. The gentleman has made a very important statement, a constructive statement to the passage of the bill.

Mr. PICKLE. I thank the gentleman.

Mr. GARCIA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before I begin to comment on the bill itself, I would like to speak to the many people who may be watching us today throughout this country. First, I want to tell those who will be affected by the legalization program to sit tight until they actually see the results of the House and the Senate conference. The bill is not law until the President signs it. The final form of the legalization program has not yet been worked out. Please wait for it because otherwise you will find yourselves going to an office before they have the rules and regulations established.

It has been a long 7 days. But I would like to pay homage to a person who has worked very hard and has been here every day toiling, toiling not in favor of the legislation but against the legislation. He is one of the senior members of the Congressional Hispanic Caucus; he is also the founder of the Congressional Hispanic Caucus. He is a good, decent, hard-working man. I would like everybody to know that those of us, and especially the millions

of people without a voice, are indeed in debt to the gentleman from California, my colleague, ED ROYBAL, for all the work he has done on this bill.

I have said, from the very beginning, that those of us who have been opposed to H.R. 1510, the Simpson-Mazzoli bill, have, from the very beginning, been strong supporters of the amnesty provisions of this legislation. However, even with the employer sanctions in place, this bill is still not acceptable. I believe that those of us who have been opposed to the legislation from the beginning will vote against the bill. But I would like to say to the many people who are watching and who are also against the Simpson-Mazzoli bill, that in a democracy sometimes you win and sometimes you lose. This bill has been debated fully, it has been debated fairly. It has been a bill that has been very controversial. My Republican friend, my colleague from California, my Democratic friend from Kentucky, the chairman from New Jersey, we have had from time to time some raising of voices, but it has always been done as only this institution can function—in open and honest debate.

So for those reasons I congratulate my colleagues. I still disagree with the legislation. We are going to vote against the legislation, but I just want to make it very, very clear that thank God for the U.S. Congress.

We have just completed consideration of one of the most important pieces of legislation facing the 98th Congress. I am, however, deeply disappointed by the outcome of this debate. It represents a setback for America's minorities, and an unnecessary burden for our Nation's business community. This legislation is both unfair and unrealistic.

It is unfair because it forces business to take on the issue of immigration control, and it makes America's minorities bear the brunt of the enforcement of this law. It is unrealistic because it will not enable us to effectively control our borders.

Discrimination has not been eliminated from our society. I realize that we cannot legislate attitudes, but we should not institutionalize potential civil rights abuses. That's what we are doing with employer sanctions. In addition, minority unemployment rate is always significantly higher than that of the majority community. Minorities don't need another obstacle in the way—sanctions—from seeking employment.

There is something terribly hypocritical about this legislation. On the one hand, there are complaints about how America has lost control of its borders, about how millions of undocumented persons are taking American jobs. On the other hand, the Panetta amendment would reinstitute the bracero program. Organized labor has

withdrawn its support for the bill in large part because of this amendment.

What the Panetta amendment does is allow growers an unlimited supply of indentured laborers, while businessmen must toe the line when they hire. They are to be the guardians of our borders. Further, how can this be a jobs bill if we permit up to 500,000 guest workers in each year?

That's an interesting term, guest worker. It implies a certain gentleness. It's as if we are inviting these laborers up for tea and a little light work. They are our guests. Yet, this kind of contradiction riddles the bill. Subtle discrepancies have been ignored or written off H.R. 1510's supporters. No matter, that we are protecting the special interest of growers while we penalize other businesses. No matter, that the civil rights of minorities are in danger of being violated. No matter that a GAO study has serious questions about the effectiveness of sanctions. This is, after all, a compromise.

This so-called compromise will be an expensive one, not only for Hispanics, blacks, and Asian Americans, but for all of us. The only control established with this legislation is on paper, but the problems it creates will be quite real.

Even the legalization program has been severely altered. All the qualifications in the program will render it ineffective. It will not draw out the many undocumented persons living in America's shadows. It will not solve their problems—or ours. This was the one provision in the bill that held up some hope for many of us who have fought against the bill's injustices. That hope has now been diminished.

Granted, we've all worked hard on this legislation. We have fought each other; we have expended a lot of emotion and effort to get across our points of view. As an institution we can be proud that the process works. Unfortunately, we cannot be proud of this legislation. H.R. 1510 will not give us control of our borders, but it will make life more difficult for minorities and businessmen.

I want to take a moment to speak to my Democratic colleagues. I am clearly against this bill. I strongly urge each of you to vote against it for the reasons I have mentioned today, last week, and for the past several years. But it would be unfair to threaten you with the splintering of our party if you choose to vote in favor of H.R. 1510. I ask that you vote against it not out of fear of party disunity, but because it is a bad bill.

I believe in the integrity of this institution and in the basic values of my party. This does not mean that I will rest before all avenues to defeat this bill are exhausted, but neither will I sit back and see my party split apart at a time when it is so very necessary that we remain united. Because then,

to paraphrase Shakespeare, the fault would be not only with this legislation but with ourselves.

I urge my colleagues to defeat this bill.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I want to salute the gentleman. He has made a tremendous contribution to the entire 7-day debate. He has stationed himself in the House here for those 7 days. The bill is perhaps not yet supportable to him, as the gentleman has already suggested, but it is a better bill because of his work, and I thank him for that.

Mr. GARCIA. I thank the gentleman.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think probably nobody has been here more of the time than I have, except Members of the committee; and I have really been inspired by what I have seen occur here. Of course in the chair we have the best presiding officer that Congress has ever had in history, I think, and I think we ought to give the gentleman from Kentucky [Mr. NATCHER] a hand.

□ 1610

Then I think, as I look at my 36 years in Congress, which have always been a great joy to me, and I hope there are another 36 ahead of me, I just do not really believe I have ever seen a man come to the leadership of a bill before this Congress who has done a better job than the other great gentleman from Kentucky here, the gentleman from Louisville.

You know, as we go along through our operations here, a lot of us do not really surface or just very seldom do surface. Then when we see a man who has been a fairly quiet man in Congress come to the well as a real leader, we realize that the whole Congress, all 435 Members of Congress, most of them at least, maybe all of them, have a potential for greatness.

So there is a feeling of great joy in my heart that I belong to this institution, and a great joy that the opportunity came for greatness to the man from Kentucky, from Louisville, because I do not think I have ever seen anybody do a better job of handling a bill on the floor of this House. He has performed with greatness.

I hope the Members will give him a standing ovation at this point.

Mr. MAZZOLI. Mr. Chairman, I thank my dear friend, the gentleman from Florida, [Mr. BENNETT] a man whose every breath is devoted to this institution. I thank him very much

and I appreciate his observation, Mr. Chairman.

Mr. Chairman, I ask unanimous consent that debate on this amendment cease in 10 minutes; 5 minutes for the gentleman and 5 minutes for the gentleman from Kentucky.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. ROYBAL. Mr. Chairman, reserving the right to object, I would like to at least have 3 of those 10 minutes.

Mr. MAZZOLI. Mr. Chairman, let me rephrase my request: 15 minutes; 5 minutes and 5 minutes and 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROYBAL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I too urge defeat of this bill but I do so with mixed emotions, because I do not have anything better to offer.

The Speaker of the House had asked me to try to negotiate a compromise that would be acceptable; it did not work. So, I say to my colleagues that recognizing the sentiment in this body, there is immense support for immigration reform. There is support for something to be done.

I think what we have done today has many negative features; some positive. Most negative are the employer sanctions, which I believe will discriminate against many foreign-looking people; against Hispanics, against many others. Also regrettable is the provision that would bring back the telephone check, the 800 survey of Social Security. Also regrettable is the Panetta amendment which will bring forth thousands of foreign guest workers in a position to be exploited. It is an amendment that would be unworkable; it is an amendment that will displace many American workers.

On the positive side, the family reunification part. The Cuban-Haitian amendment. The provision on amnesty. I think we need immigration reform in this country, and I hope in looking at the fairness of those that have been crafting this bill, and by that I mean the gentleman from Kentucky, the gentleman from New Jersey, the gentleman from California, I think on many of these issues they have been wrong, but I think they will be fair. If there is injustice, if there is discrimination, I think they have just as much a responsibility to correct it, should this bill pass, as they have in crafting this bill.

I, too, would like to pay tribute to the leader of the Hispanics caucus, ROBERT GARCIA, who has eloquently and emotionally stood up for the thou-

sands that cannot speak in this body today. I also would like to pay tribute to the founder of the caucus, a man who has led our group through many, many years and who has stood back in the face of criticism, in the face of some derision, in the face of editorial attack, but has stood behind deeply felt principles. A man who has stood behind his people, and his people and this whole country owe him a debt of gratitude, Mr. ROYBAL.

Once again, I ask this body to look at the effect of what this legislation will do. I think this legislation in the long run will not be good for this country. But once again I say, if there is an alternative, if there was something better to have been done, and possibly if we had adopted the Hawkins amendment which would have ensured full discrimination protection on the issue of employer sanctions, then possibly, it might have been a bill that could have been sustainable, although I have my doubts.

Americans do not want a national ID system. They do not want discrimination. They are compassionate, and I think the provision relating to amnesty takes care of this, but once again, I urge defeat of this bill because I do not think it will work, and the potential for discrimination is there.

I think in this whole country there is a fear of people that look foreign, of perhaps the Hispanic caucus, but I think maybe if we lost this one, those of us in the caucus, we are going to be back. We are going to be back in growing numbers. We want to be full-fledged members of this country. We are Hispanics, but Americans first. We feel patriotic; we feel like we want to contribute. We feel that we pay our taxes and enlist in the Armed Forces. We want immigration reform but not on these terms that I think will be regrettable.

Once again, I want to pay tribute to the author of this bill who has shown sensitivity, who has shown commitment, and who, I hope in the future, if there is discrimination, if there is injustice, if there is wrong, will right some of these wrongs that I believe this bill will bring.

I hope that in the future the entire Congress and the Committee on Foreign Affairs look at what I perceive to be the root of this problem, and that is the relationship with Mexico: The fact that the United States and Mexico have not achieved anything concrete in this area. The fact that we refuse to deal with this issue on the bilateral agenda. That we refuse to even discuss it because it is so sensitive to the Mexicans.

The Mexicans do not want to discuss it, and we do not want to press it. We should be talking to them about free border zones, about job markets.

I urge defeat of this bill.

After a week and a half of debate on 69 amendments, we have reached the final vote on one of the most comprehensive, far-reaching measures ever to come before the Congress.

Almost every amendment that would have made this bill, if not acceptable, at least a little more tolerable, was defeated. Rejected was an amendment offered by the gentleman from California [Mr. HAWKINS] that would have set up a system to provide some recourse to those who face employment discrimination as a result of the employer sanctions provision of this bill. This provision is the most onerous provision of a most onerous piece of legislation—and it will cause, without doubt, suffering and hardship among millions of Americans. Adopted was an amendment that a foreign guest worker provision that is exploitative, unworkable, and will displace American workers.

Mr. Chairman, if H.R. 1510 passes this House, it will indeed be a sad day for Hispanics and other foreign-looking Americans.

Of course, we must stem the flow of illegal aliens into this country. But H.R. 1510 is not the answer to this problem. In fact, H.R. 1510 will cause far more serious problems than it will solve. Employer sanctions simply will not work any better in the United States than they have worked in West Germany or Canada. However, employer sanctions will have a chilling effect on the ability of Hispanic Americans to gain employment. If this legislation passes, INS resources will remain sorely limited. The INS will not be able to visit each and every business in the United States to determine if employers have examined and retained the proper documents. The INS will be forced to target their scarce resources on businesses that employ a large number of Hispanic or other "foreign-looking" Americans. Will it be prudent for a businessman to employ a large Hispanic work force and risk INS harassment and investigation? Of course not, this will simply be too costly for an employer to risk. The sensible businessman will have no choice but to limit the number of Hispanics he hires. H.R. 1510 not only will make every employer an INS officer, it will force employers to discriminate against a very large and important segment of our society which doesn't happen to be fair haired or fair skinned.

Mr. Chairman, proponents of this bill say it is necessary to protect American jobs. Well, I strongly share their concern. But my concern is for American workers named Sanchez and Gomez as well as American workers named Smith and Jones.

I am Hispanic. Many Hispanics have felt the sting of racism, prejudice, and discrimination. Let us not enact a law

that will result in many others feeling that sting as well.

Hispanics have greatly contributed to the economic and cultural growth of this great Nation. But in attempting to close our borders, we are also closing the door of opportunity for Hispanics in America.

Mr. Chairman, it is ironic that earlier this month the Statue of Liberty was covered to be kept hidden for repairs over the next few years. I find that symbolic because this legislation casts a shadow over the principles of freedom, opportunity, and justice for which that statue stands. But I am certain the debate over our immigration policy is not over. It will also need repair if this bill passes. My only hope is that those repairs are completed before the Statue of Liberty is unveiled. For it would indeed be a painful event if, upon the unveiling of the refurbished statue, we found the principles for which it stands are tarnished beyond repair.

I urge my colleagues to vote against H.R. 1510.

Mr. MAZZOLI. Mr. Chairman, before the gentleman begins, the gentleman from Kentucky inadvertently in his unanimous-consent request forgot the gentleman from California [Mr. LUNGREN] so I would ask unanimous consent that the gentleman be given equal time, 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Chairman, it is my intention at this moment to compliment both the gentleman from New Jersey, the gentleman from Kentucky, the gentleman from California, and those individuals who took part in this debate. I think they have done an excellent job.

Unfortunately, their job was not good enough insofar as many citizens of the United States are concerned. I say that because I firmly believe that the legislation, if it is passed or when it is passed, will actually go to conference in a worse state than it was in its original form. The bill is not immigration reform, but a bill that is designed to provide a steady flow of cheap labor to the growers of this Nation, and consequently destroy the United Farmworkers Union.

It violates the civil rights of Hispanic, Asian, and other groups, with its sanctions provisions, as well as the telephone verification system would only result in racial discrimination.

Now I can go on and on and continue in my criticism of this bill, but I realize that it is going to be passed. I also realize that it is going to go to a conference and that perhaps out of that conference something good will result.

The truth of the matter is that Simpson-Mazzoli is already taking effect in the various communities throughout the country. In California, for example, some employers have begun laying off illegal workers and others because they have already started to demand documentation. The dismissal prompted a protest by more than 200 persons last Thursday. Several of the employees have seniority of 10 years or more. Some were near retirement, and one was a mother who was pregnant with her third child.

□ 1620

The workers were fired after either refusing or not being able to comply with documentation that they were here in the United States before 1980. This is very difficult. There are some of us who cannot prove that ourselves because in many instances we are careless and lose our rent receipts, lose perhaps those bills that were paid for utilities, and so forth, and be unable to prove immediately the fact that we were here before any particular time.

I just bring this to the attention of the House because this effect that is taking place with employers in California is also taking some effect among the rank and file in that State. There are people now who are saying, "What shall I do in order to comply?"

What I say to them is do nothing at this point. The best thing to do is to wait until such time as the President not only signs the bill, but wait until that time as the mechanism for legalization is put in place. At that particular time, then take the first step and go to your local organizations which will screen these individuals, for if they go to the Department of Immigration, they will be losing their cause. The Department of Immigration will know where they are and where they have been, and if they happen not to qualify under these very stringent rules that we have, then these individuals will find themselves in a position that perhaps they would even be deportable.

So what I say is let us wait. Let us find out what that mechanism is, and then urge the people who may come under that provision to go out and talk to their churches, to their various community organizations, and let them advise them as to what they should be doing. Let us not get in an atmosphere of panic at this moment, but wait and do the right thing when the time comes.

I urge these individuals to contact a Congressman's office. I believe that a Congressman can direct the people in their particular district who would come under this provision. I think they will tell them, "Go to your organizations and seek advice from those people who can protect you."

I am not trying to say that the Department of Immigration is a group

that is going to violate any prerogatives, but I am saying that the Department of Immigration, as it has in the past, will surely keep a record and will surely try to do the so-called job of exporting, sending back to those countries, these individuals who may not qualify.

The CHAIRMAN. The Chair now recognizes the gentleman from California [Mr. LUNGREN] for 5 minutes.

Mr. LUNGREN. Mr. Chairman, at this time I would say that this side is going to accept the Patterson amendment, which I assume we are still on. I hope there will be no recorded vote on that one, and then we will get to final passage on this very tough subject.

An interesting thing has occurred to me over the last several days, and that is that members of the press have noted how nonpartisan this debate has been, and wondered why it has been that way. I observed to them that this House, this institution, has an ability, I think, to do better than many of the Members sometimes think we have and some of the public sometimes thinks we have, and that is, when we have a fair rule, and this rule was eminently fair, when there apparently was little or no partisan advantage sought nor obtained through the rule, there is no partisanship on this floor.

That ought not to surprise Members, because I think truly, if given an opportunity, Members here will put partisanship aside, will be involved in sometimes strange alliances that shift from time to time as we deal with a very difficult issue and, in fact, finally decide that they are going to deal with an issue that is very difficult.

Another member of the press last week told me that he was going to watch this debate with some interest because he thought if we failed to come to a resolution of the problem, that is, if we failed to adopt some bill in some form, we would have proven perhaps that democracy in a modern society was incapable of dealing with complex questions because of the very nature of the special interests that are involved in such a society. Hopefully, we will have proven that possibility wrong and we will have shown the American people that, if given an opportunity, the House of Representatives will do the duty that the American people expect of it.

I happen to think that this debate, even though it has been emotion at times, even though at times perhaps there were strained relations on the floor, was a healthy debate, was a debate that was good for America, and that on whatever side, and there are more than two sides of this issues, as most anybody who has looked at it knows, no matter what side of the issue you may find yourself, you can be proud of the debate that took place in this House and the way in which

each and every Member handled himself or herself.

I happen to think we have resolved the question generally speaking in the only way that it could be resolved. I understand others do not feel that way, but the fact of the matter is, we had a rule which allowed us all to take our best shot at it, and that is all that we should ask. Society is made up of many different people, many different constituencies, many different interests, special though they may be, and what we had here was an opportunity for Members from different parts of the country, from different constituencies, from different philosophical backgrounds, the opportunity to fully and vigorously debate a tough issue and, frankly, I think we ought to be satisfied with what came out of it.

That does not mean that I will accept everything or fight for everything in conference that may have been resolved thus far because we know we have another fight in conference, but I happen to think this was a healthy debate and it certainly is something that ought to inure to the benefit of this body as an institution, and I think it is something that the American people should be proud of.

Mr. Chairman, if I might perhaps use a worn-out word that we have heard on this floor, I would also like to salute the gentleman in the chair personally. He has, by his steady but very strong hand, insured that we moved ourselves along and that we finally resolved the various issues that we had to resolve. I am not sure that we would be here at this point without his assistance, and I want to personally thank him.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to my distinguished leader, the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Chairman, let me simply commend the gentleman for his statement. He said it much better than I could myself, and I had intended to make some comment relative to the fact that there was the kind of rule for consideration of this measure that permitted Members on all sides of this issue, and the number of amendments that were offered, to speak their minds. It does say some good things for this House of Representatives when it is given an opportunity to speak as forcefully and as openly as we have.

Partisanship has been laid asunder. There has been a mixed bag of votes here on no matter what the amendment might have been.

I want to take this time particularly to compliment all the members of the Committee on the Judiciary particularly who, on both sides of the aisle, have acquitted themselves in such fine

fashion, naturally the gentleman from California who managed on our side, the gentleman from Kentucky [Mr. MAZZOLI], and those more senior members on the Committee on the Judiciary who helped give them that kind of advice, and yes, to my good friend, Ed ROYBAL, and those of the Hispanic community who fought for their point of view. I would also like to single out one of our Members on the Judiciary Committee, BILL MCCOLLUM, for the fine work he has done on this bill. BILL MCCOLLUM has earned all of our respect for the hard work and gentlemanly manner he has demonstrated during the course of this legislation.

This has been a very, very healthy debate for the American people to more clearly understand the problems we are attempting to address by this bill. I am reminded of a story that my friend, the Senator from Wyoming, has related. His father happened to serve in the other body before him, and was not aware of the arguments and was tending to criticize his son for the position that he had taken in the other body. After he had heard the several days of debate, he called his son, who had now succeeded him in the Senate, and said, "Son, this has been a very healthy debate. Even I have learned from what has taken place."

So it has been a good day, a good several weeks, for the House of Representatives, and I compliment all those Members who participated.

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Mr. LUNGREN. Mr. Chairman, I thank my leader.

I would make one comment about the gentleman from Kentucky. About 4 years ago, when he was making a very difficult decision as to what chairmanship he might take, this being one of them, he came and talked to me, and at that time I said, "There are a lot of problems dealing with this issue, but I doubt you will find a single issue that will present itself in the near future upon which you can have such a direct impact and be involved in landmark legislation."

I think in the ensuing 4 years he sometimes doubted the wisdom of my counsel and perhaps has uttered some words I would not like to hear, but I think we are here at this point which suggests we do in fact have the gentleman's imprint on some landmark legislation about which this country and this Congress should be proud.

Mr. MAZZOLI. Mr. Chairman, may I thank the gentleman for that statement.

The CHAIRMAN. The time of the gentleman from California [Mr. LUNGREN] has expired.

The Chair now recognizes the gentleman from Kentucky [Mr. MAZZOLI] for 5 minutes.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to my friend, the distinguished chairman of the committee.

Mr. RODINO. Mr. Chairman, I know that the gentleman has little time, and I thank him for yielding, and if it is appropriate, I would like to commend first the members of the Committee on the Judiciary for the deliberate manner in which they have proceeded with the consideration of this bill over a period of years. I especially want to commend the gentleman in the well, the chairman of the subcommittee, who took on this very arduous task. I commend also the gentleman from California [Mr. LUNGREN], the ranking minority member of the subcommittee, along with the ranking minority member of the Committee on the Judiciary, the gentleman from New York [Mr. FISH].

I think that the debate, while it has been debate that has been enlightened, has never been disagreeable. I think it reflects credit on this body. Notwithstanding the passion and the emotion of the gentleman from California [Mr. ROYBAL], the gentleman from New York [Mr. GARCIA], and the gentleman from New Mexico [Mr. RICHARDSON], who have indeed shown and demonstrated their concern and their interest, nonetheless again the debate has been debate that is worthy of the highest traditions of this House.

I again want to salute each and every Member who participated, especially the members of the Committee on the Judiciary, who reflect great credit on that great committee.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman very much. It is a wonderful committee, it is an excellent committee, and I am appreciative of the chance to have played a role in its history.

I do not see our distinguished Speaker on the floor, although he was here a moment ago. I just wanted to pay tribute to him publicly for being a man of his word. When he did decide to move the bill to the floor, he said, "We will give you every opportunity," and that is exactly what the gentleman from Massachusetts [Mr. O'NEILL] did, and I thank him for that.

Certainly we have had encomiums to the gentleman from Kentucky, the distinguished chairman who has handled the bill wonderfully, to the chairman of the committee, the gentleman from New Jersey [Mr. RODINO], and all the other gentlemen here, the gentleman from New Mexico [Mr. RICHARDSON], my friend, the gentleman from New York [Mr. GARCIA], the gentleman from California [Mr. ROYBAL], and all my other friends. It has just been a remarkable work.

I have very little to say in closing. Essentially, I just urge all the Members to please vote for the bill. We think we have reported a good bill after 7 days of perhaps the most eloquent, effective, and nonrancorous debate we have perhaps ever had in the House on an emotional subject, and I would hope we would not come up to this moment in history without seizing it. And we have. We have presented the Nation via television and through the print journalists and other types of media with an opportunity to see this House perform at its highest level. We have given the Nation a chance to see the House perform at a point of importance in history and not fail to grab the nettlesome subject of immigration reform and at the same time yield a bill which is fair and humane and decent.

Mr. Chairman, I can only say that it has been a great honor.

The CHAIRMAN. The question is on amendment No. 69 offered by the gentleman from California [Mr. PATTISON].

The amendment was agreed to.

Mr. SCHEUER. Mr. Chairman, I rise in support of this legislation. Despite what I consider to be serious deficiencies, this legislation in its present form represents a quantum jump forward in restructuring our national immigration policies.

In the debate we have conducted on this floor, we have begun to explore the present and future effects of illegal immigration on our Nation. I salute the gentleman from Kentucky [Mr. MAZZOLI] for his patience and persistence in bringing this matter to the floor. I salute the gentleman from New Jersey [Mr. ROBINO] without whose firm leadership this legislation would have collapsed under the weight of contending forces. We owe them, and all the Members of this House who have poured their energies and emotions into immigration reform, a debt of gratitude.

We are, as President Grover Cleveland said over a century ago, faced with a condition and not a theory. The condition is that our borders are out of control and the factors causing explosive immigration in our own hemisphere are fact, not theory.

This bill is not perfect. But it is necessary. Those of us steeped in years of examining immigration and population growth trends would say it is critical. In a sense, the fact that we have devoted so much time to examining so carefully every facet of this problem is a major victory in itself.

I will support this bill, but with serious reservations.

My chief objection is that we have failed to consider the demographic realities facing us today. If we face up to the facts, we will see that it is imperative that we secure our borders before

we grant amnesty or implement a legalization program.

Let's look first at legal immigration to the United States. The United States takes two-thirds of all legal immigrants who cross transnational borders. We represent 5 percent of the world's population. We have 6.3 percent of the world's land mass. But we accept 70 percent of the world's legal immigrants and refugees." We are, Mr. Chairman like other nations, a nation of immigrants, but we simply cannot and should not be a land of unlimited immigration. In sheer numbers, the United States adds more people to its population than all other industrialized nations taken together.

Between 1974 and 1978, the United States admitted over 3 million legal immigrants for permanent residence. Let us take a comparative look at the numbers admitted by other countries, particularly those with wide open spaces and enormous resources.

Canada and Australia—which also accept large numbers of legal immigrants for permanent residence—still take far fewer than we do. Consider that Canada is second only to the U.S.S.R. in terms of area, having 6.6 percent of the world's land mass. Yet our northern neighbor represents only 0.57 percent of the world's population. Likewise, Australia, which ranks sixth in terms of area with 5.1 percent, represents only 0.35 percent of the world's population.

If we look then at legal immigration to these countries, with almost as much or more of the world's land mass than the United States and far less in population, we see that they accept far fewer immigrants. Between 1974 and 1978, Canada accepted about three-fourths of a million legal immigrants for permanent residence and Australia took in about one-half a million. Remember that this compares to over 3 million that the United States accepted during the same period.

The United States admits roughly 500,000 legal immigrants a year, although at times this number has risen greatly, such as in 1980 when we accepted 800,000 legal immigrants. The countries I have just discussed take in only a fraction of the people we do. They have set coherent immigration policies to deal with both legal and illegal immigration. We have the right—and an obligation to our people—to do the same.

Just as important as the numbers of immigrants we admit, is where they come from. The United States admits almost three times as many legal immigrants every year from Latin America as we do from all of Europe.

The United States admits almost as many legal immigrants from Mexico alone, and more legal immigrants from the Caribbean alone, than we do from all of Europe. And that is just legal

immigration. Our illegal immigration is three times the legal limit.

Undoubtedly, we need some serious reform of our legal immigration policy. But the real problem, and the one which must be addressed immediately, is illegal immigration. It is not the annual 500,000 legal immigrants the American people are protesting; it's the 1.5 million or more illegal immigrants who are entering this country every year. Even as we speak, illegal border crossings are occurring at a record pace. In fiscal year 1983, the Immigration and Naturalization Service made a record 1.2 million apprehensions—1 million at our southern border.

Migration is what the Population Division at the United Nations has termed "the least known component of population growth" since much migration is illegal. Massive movements of migrants continue among the countries of the Americas. The more prosperous countries of the region receive workers from less prosperous countries, especially in recent years as transportation has become easier and communications have improved. Although movement is evident everywhere in the region, the largest movement in the Americas is directed toward Canada and the United States. As recorded in the U.S. census, the number of Latin Americans in our country increased five times in the last 20 years. The countries of origin in Latin America are continuing to show such rapid population growth that movements of Latin Americans northward cannot be expected to decrease, indeed the northward migration will increase exponentially.

No one knows exactly how many illegal aliens are living in the United States now, but estimates range from 3 to 12 million. Nor do we know exactly how many more come in every year. However, our highest intelligence sources tell us that figure is 1.5 million or more.

We must take a good hard look at illegal immigration and why it won't stop. There is, and will continue to be, great pressure to migrate in the coming years. We cannot ignore the hard plain demographic facts of life.

The total world population today is 4.75 billion. The United Nations projects that figure to rise to 6.1 billion in the year 2000. By 2020 it will climb to 7.8 billion and will reach 8.2 billion in the year 2025. Ninety percent of this growth is taking place in developing countries, including the major sending countries of illegal immigrants to the United States.

If we look at Mexico, for example, we see that this country, with a population of 78.3 million in 1984, will jump to 115 million people in the year 2000 and will hit 174 million by 2025. Looking from Mexico to all of Latin Amer-

ica, a region which presently has 400 million people, we find that its population will increase to over 565 million by the year 2000. By 2025, that figure is projected to grow to 865 million.

Increasing populations mean more pressure on these developing countries to provide social services, health care, housing, food, education, and above all, jobs. It is this last factor—employment, or the lack of it—that impels us to look beyond sheer population growth and focus as well on where that growth is taking place.

The reasons for immigration are as varied as the immigrants. Generally we tend to focus on the pull factors inside our own country—freedom, equality of opportunity, democracy, employment opportunities, higher standards of living—that make America attractive to her neighbors. Of equal importance are the push factors—the reasons that impel immigrants to leave their own countries. The primary push factor—unemployment—is illustrated in the statistics on the labor force in these nations.

The numbers of people in Latin America's labor force in the next year, 5 years from now, or even at the turn of the century, are not a matter for speculation. Population control, or lack of it, is irrelevant to the question of how many jobs will be needed by the beginning of the next century. The potential workers are already born; we know the numbers.

Between 1950 and 1975, Latin America's labor force grew from 55 million to 99 million. By the year 2000, it will reach 197 million. When 2025 arrives, there will be 300 million people in the labor force in Latin America. This growth in the numbers of people who need work far exceed the capacity of these developing countries to create jobs.

Right now, Mexico must create a million new jobs annually merely to maintain its current high levels of unemployment. All of Latin America, between now and the end of this century, must create 4 million new jobs every year—just to keep even with the present high levels of unemployment and underemployment.

To put these factors in perspective, consider that during the prosperous 1970's, the United States, with a GNP five times that of all Latin America, created only 2 million jobs annually. These demographic realities create a powerful push factor for these people to migrate. Without a doubt, as unemployment and population pressures in Latin America continue to mount, ever-growing numbers of immigrants will attempt to cross U.S. borders.

Although we focus primarily on what this phenomenon means to the United States—and that is where our primary focus should be—we should consider first the detrimental effects of outmigration on the sending coun-

tries. To us, large-scale illegal entry is immigration with much talent and will to work and to succeed at its core. But for the sending nations, it is a brain drain and a threat to the stability and social fabric of communities and families. This is not fanciful supposition, but a historical occurrence that has been repeated many times in many countries throughout the long history of massive outmigration. The brain drain is not merely the nuclear physicists and physicians who, following years of education, contribute the fruits of that education to a more developed nation instead of their own. The loss of highly educated and technically skilled persons urgently needed in developing nations reaches down to auto mechanics, nurses, health professionals and midlevel managers.

Are sending countries sufficiently aware of this and other equally detrimental effects of unrestrained outmigration? Or do they view emigration solely as a social safety valve, removing excess population and providing relief from overcrowding and unemployment? Are they so eager for the hard currency remittances so many immigrants send home that they are willing to ignore the long-term debilitating effects on their own countries? This is something which the developing countries and the United States should consider seriously.

Closer to home, however, is the issue of what virtually unhampered, unrestrained immigration means to our country. Immigration—and particularly illegal immigration—comprises a great preponderance of U.S. population growth. This is illustrated clearly in the data. Our population presently stands at 234 million. U.S. population growth from natural increase—that is, with no net immigration—is projected to reach 259 million in the year 2000 and 276 million in 2025. In 2050, it would drop to 265 million. Therefore, with no net immigration at all, our population would peak in 2025 and then begin to decline.

Suppose we allow our level of legal immigration to grow to 500,000 a year, and it is close to that now. We must account also for the 1.5 million illegal immigrants entering this country every year. When we do, the picture changes dramatically. In the year 2000, our population will be 299 million. That number increases to 386 million in 2025 and jumps to 451 million in 2050. But it does not stop at that point. Our population would reach one-half billion in just 65 years or so, in our grandchildren's lifetime—and would continue to grow. The frightening part is that this scenario is the most realistic projection we are facing now.

Unless we get control of our borders now, our population will almost double in the next 65 years. The plain fact is,

we do not have an infinite capacity to absorb these people.

The amnesty contained in this bill creates a powerful additional pull factor that will only encourage greater illegal immigration to the United States. Anyone who is at all familiar with immigration, both legal and illegal, will tell you that for a modest amount of a few hundred dollars an immigrant can obtain forged documents showing he came over on the Mayflower. There is a large number of counterfeiters who are already prepared to provide all the documents an illegal immigrant needs to establish his eligibility for legalization, such as: Rent receipts, driver's license, birth certificate, and Social Security card. And the counterfeiters will get that fee. They are getting it now. The old adage that "you can't put a price on freedom" may be true, but not at our borders.

We ourselves will create a tidal wave of new illegal immigrants that will make our current immigration problems seem modest by comparison. Imagine our grandchildren living in a nation of one-half billion people. How could we possibly preserve our environment, natural resources, farmland and economic well being under such circumstances? Such a phenomenon will have a disastrous effect on the cohesiveness of our society, and on our national security.

Securing our borders must become, once this bill is passed, an urgent priority challenge which our Congress must face up to, in order to underscore the simple fact that we cannot accept absolutely every one of the hundreds of millions of poor people from around the globe who desperately want to come here.

We can, and should, do our part in other ways—in our trade and foreign assistance policies—to aid the sending countries. We must enact trade policies which focus on investment in labor-intensive capital saving projects in developing countries as a means of promoting employment there. We must aid sensible, well conceived economic development and improve family planning, maternal and child health, and nutrition programs in these nations. We must establish agricultural policies that will aid the rural areas which have witnessed great migration to the cities because economic conditions are so depressed.

We must work with the World Bank and other major lending institutions, the United Nations organizations, and our fellow parliamentarians around the globe to formulate coherent, comprehensive policies which will reduce the push factors responsible for massive illegal immigration to the United States.

But in the context of this particular piece of legislation, we have an obliga-

tion to face the demographic realities. This bill tries to balance conflicts between business owners, with an interest in cheap labor, and organized labor, trying to preserve jobs for Americans in a troubled economy. The bill tries to balance political factions . . . with Hispanic groups concerned that the bill will cause discrimination against every Hispanic-American and elected officials from our border states facing impossible strains on the social welfare, education and housing funds that will be absorbed by a wave of new immigrants. The only area in which balancing has not been achieved is the reality of the demographics.

Bear in mind that this suggestion follows the recommendation of the Select Commission on Immigration and Refugee Policy, chaired by Father Theodore Hessburgh. The Commission voted unanimously that legalization should begin when and only when appropriate enforcement mechanisms and border controls have been instituted. I quote from the Commission's report, "U.S. Immigration Policy and the National Interest":

The Commission believes that a legalization program is a necessary part of enforcement, but it does not believe that the United States should begin the process of legalization until new enforcement measures have been instituted to make it clear that the United States is determined to curtail new flows of undocumented/illegal aliens. Without more effective enforcement than the United States has had in the past, legalization could serve as a stimulus to further illegal entry. The Select Commission is opposed to any program that could precipitate such movement.

So the Commission says we should control our borders. But do we have the ability or the means to do it? In addressing this question I would like to share with my colleagues an exchange between Lionel Castillo, the former head of INS, and this Member in his then capacity as the chairman of the House Select Committee on Population; the hearing was held on April 6, 1978:

Mr. SCHEUER. Can we regulate illegal entry into this country by means that are reasonably appropriate and acceptable to us? I don't think the American public would like to see a 20-foot high Berlin wall erected on that 1,950 mile border with submachineguns and police guards and sirens and watch towers. Can we do it with means and technology that are not obnoxious to us?

Mr. CASTILLO. I believe so. I don't believe that it would be that technologically difficult or technically difficult to severely or dramatically curtail the number of persons entering the United States without documents.

Mr. SCHEUER. You believe that can be done?

Mr. CASTILLO. I'm convinced it can be done. I was not of this opinion before I got this job, but having looked at it a little bit more, we know, for example, that more than 50 percent of the entries that are made into the United States without documents are made at or near three locations: San Diego,

California, El Paso, Texas, and Yuma, Arizona.

If we simply increased our resources at those three locations we'd have an enormous impact just in three places, a total of less than 40, 50 miles, and if we did that there would be, of course, some spillage over to other parts of the country. Except that it's much harder for people to make the decision to cross along the inhospitable parts of the border. To go from one urban area in San Diego involves a short jog or sprint or move. But to cross a 100-mile desert takes a lot more, plus it's easier for us to see them by flying over. Enforcement's a lot easier.

The Select Commission on Immigration and Refugee Policy says we should control our borders—a respected Hispanic-American leader who headed the Immigration and Naturalization Service says we can control our borders—and commonsense cries out that we must control those borders.

We are not solving our immigration problems with this bill today; we are only adding a longer fuse to a time bomb that will explode in our children's hands and our grandchildren's hands if we don't bring some rationality to our borders. We cannot reform our immigration laws as long as we have no control over our borders. And the simple truth is that we do not control those borders. They are a national disgrace and shame. No other nation on Earth regards its own borders with indifference which borders on contempt.

Employer sanctions and amnesty belong together, but what will make amnesty acceptable and affordable, and keep it within parameters which our legal system and our society at large can manage and cope with, are firm, secure borders which are capable of resisting the human tide of billions who would cross our borders, if only they could. That is the challenge for the 99th and succeeding Congresses.

Mr. SLATTERY. Mr. Chairman, I rise in somewhat reluctant support of H.R. 1510, the Immigration Reform and Control Act.

When it was brought to the floor a week and a half ago, this bill was in my judgment, seriously flawed. The bill contained unacceptable employer sanction provisions and a mandate for the development of a national identity card system which I strongly opposed. In addition, the bill contained no provisions designed to protect the rights of Americans or resident aliens who could be discriminated against by employers, as the result of the threat of employer sanctions.

In a long and arduous debate, over the past several days, the House has made significant changes in this immigration legislation. While the bill we have before us now is by no means perfect, it is much improved over the bill reported by the Judiciary Committee and I have decided that, on balance, this legislation should be supported.

Many of the concerns I have had with this legislation have been addressed through the amendment process. We have made the sanctions provisions more workable by exempting employers who hire three or fewer employees, thus making it possible for the Immigration and Naturalization Service to concentrate on larger employers.

We have adopted an amendment authored by my distinguished colleague, Mr. FRANK, which prohibits employment discrimination on the basis of national origin. The amendment also creates an administrative adjudication process similar to that used by the National Labor Relations Board for the enforcement of the amendment's anti-discrimination provisions. While the legal mills grind slowly, and I realize that these provisions will not change the hearts and minds of some employers who would seize any pretext in order to discriminate against certain groups, this amendment remains a significant step forward.

We have deleted the requirement that the President study and report to Congress on changes in identification requirements necessary to establish a secure system to determine eligibility for employment. The implications for a national identification card which this study carried were of great concern to me and to many of my constituents. I share their relief that these provisions were stricken. We have added an amendment that mandates the establishment of a system whereby employers can check Social Security numbers by telephone to determine if the individual is a U.S. citizen or a legal or illegal alien. I think this program will do much to reduce the intrusiveness that would have surrounded a paper employee verification program. In addition, a telephone verification system will provide a workable, easy method of employee verification, so that employers will not be able to use fear of counterfeit documents as an excuse for discriminating against Hispanic American workers.

I want to make it clear, however, that I retain serious doubts about the workability of the employer sanctions program. A study prepared by the General Accounting Office indicated that the 20 countries that have tried employer sanctions to control undocumented immigration found them to be ineffective. Eleven States in the United States have enacted some form of employer sanctions, including California, Florida, and my home State of Kansas. Those sanctions have proven to be ineffective in every State where they were put on the books. If Federal sanctions work, it clearly will contradict all of the past experience we have with this approach. That is why I supported Representative SCHROEDER's amendment to sunset the employer

sanctions statute after 3 years, and that is why I supported Representative ROYBAL's proposals to more carefully enforce existing wage and hour and occupational health and safety statutes instead of instituting employer sanctions. Enhanced enforcement of worker protection statutes already on the books would have gone a long way toward making the jobs that are being filled by undocumented aliens more attractive to domestic workers, thus reducing the displacement of Americans in the job market and removing the magnet that draws foreign workers across the border to fill jobs that Americans won't take.

We have amended this legislation to authorize increased funding for Immigration and Naturalization Service border patrols, visa and naturalization services, and personnel training programs. I strongly support this increased funding. Immigration control is an area that has been slighted for too long in the budget. If we want to regain control of our borders, we simply will have to spend more money for enforcement.

The legislation also contains language prohibiting the INS from searching farmers' fields without first obtaining a search warrant. I opposed removal of this language because I strongly believe that farmers are entitled to the same protection from unreasonable searches as are occupants of houses and buildings.

H.R. 1510 now contains language authored by Representative PANETTA which will lead to the creation of a new guest worker program which will provide labor for the growers of perishable commodities. After long and careful consideration, I cast my vote in favor of the Panetta amendment. It is simply a fact of life that domestic workers will not take these jobs if they have a more attractive alternative. Undocumented workers who legalize their status under the amnesty provisions of this bill will move up the economic ladder as soon as possible, once they have stepped away from the legal shadows of undocumented status. We will need the guest worker program to fill the void the newly documented workers will leave in the bottom rungs of the agricultural labor force. I wish there were domestic workers willing and available to fill these jobs, but the simple truth is that Americans will not take these low paying, unpleasant positions, and perishable agriculture in this country needs a dependable source of workers. Under the Panetta amendment, if domestic workers are available, guest workers could not be admitted. Realism dictates that we should bring these alien field workers under some kind of Government control so that we can assure that their health, safety, and economic well-being are considered.

I also support the amnesty provisions the legislation now contains. The presence of a large class of undocumented aliens threatens the entire social order. It has a significant negative effect on wages, working conditions, and consumer prices. Society is harmed every time an undocumented alien is afraid to testify as a witness in a legal proceeding; to report an illness which might constitute a public health hazard; or to disclose violations of U.S. labor laws. Mass deportation would most likely lead to massive violations of the civil rights of Hispanic Americans, and it would be prohibitively costly and beyond the limited resources of the INS. In addition, families would be routinely divided, since many undocumented persons have close U.S. citizen relatives, including children born in this country.

The legalization of a significant portion of the undocumented population would enable us to better manage our immigration problems. The INS is currently devoting a substantial portion of its limited resources to its continuing attempt to deport people who are joining the mainstream of American society. Legalization will allow us to allocate those resources to border enforcement, in order to prevent new undocumented entrants, and to regular immigration services, such as the processing of visa and naturalization petitions.

I supported the changes in the amnesty program that were offered by the distinguished majority leader, Mr. WRIGHT, because I felt that they provided reasonable standards for screening these undocumented aliens and for providing that they begin the process of assimilating fully into American society. While I believe that a successful legalization must include as many undocumented aliens as possible, it is not unreasonable to require that they begin to learn the English language and acquire some appreciation of American history before they are granted permanent resident status.

In conclusion, I want to reaffirm my commitment to the view that we must change the current immigration laws. We have lost control of our borders, and the undocumented aliens filling the lower rungs of our economic ladder have been subjected to widespread abuse and exploitation, due to their vulnerable legal status. This situation cannot continue. H.R. 1510 is far from being a perfect piece of legislation, but I believe it is a place to begin dealing with the most difficult human rights issue facing our country. I am committed to carefully monitoring the implementation of this legislation, should it become law, and I have no doubt that further modification will be required.

● Mr. BONKER. Mr. Chairman, as one who has been concerned about the tide of illegal immigration in recent

years, I rise in support of H.R. 1510, the Immigration Reform and Control Act. The bill, as amended, incorporates two related provisions which are essential to control the massive influx of illegal immigrants into this country—employer sanctions combined with a simple and nonintrusive means of verifying employment eligibility. The provisions will greatly reduce the incentives which now draw millions of illegal immigrants across our borders. I believe these provisions constitute the heart of effective immigration reform.

In 1977, I first introduced legislation which included these two elements. My bill provided graduated employer sanctions and the establishment of a counterfeit-proof Social Security card as the employment identifier.

The bill was based on the notion that the millions of illegal aliens who have poured across our borders in the last few years are drawn here by the prospect of jobs that pay far better than anything they could find in their home countries. Without the lure of employment in the United States, these people would probably never leave their homelands.

Jobs are now readily available to the undocumented worker. Some employers are eager to make use of the large, cheap, willing pool of illegal labor, and they face no penalty for doing so. The United States is virtually alone among developed nations in not penalizing employers who knowingly hire illegals. Clearly, employer sanctions are needed.

But sanctions against those who hire illegal aliens, without a simple and reliable system of identification, unfairly burdens the employer. Most businesses have neither the resources nor the inclination to verify the identity of a worker who may possess a counterfeited, temporary work permit or some other bogus form of identification. Worse, the employer may be placed in the position of discriminating against anyone who appears to be foreign when in doubt about the status of a prospective employee. Without a workable means of verifying employability, Hispanic groups are justifiably concerned about discrimination.

Thus, Government certification of employment eligibility is a necessary companion of any effective employer-sanction provision. The question, then, is what is the best way for the Government to certify employment eligibility?

The Social Security Act has always required that all gainfully employed persons have a Social Security number and that this number be given to the employer. Thus, the basic system for controlling employment eligibility through a single document is already in place.

My bill would have required the Federal Government to issue counterfeit-

proof Social Security cards. Anyone applying for a Social Security card must now present proof of U.S. citizenship, or of legal entry confirmed by the Immigration and Naturalization Service, to the local Social Security office. An employer would be required to check a job applicant's Social Security card before hiring.

The House wisely agreed to an amendment offered by the gentleman from Texas [SAM B. HALL, JR.] to provide a similarly simple and effective means of verifying employment eligibility based on the Social Security system. This provision requires the employer to call in the Social Security number of the job applicant to a toll-free Government agency telephone number. A computer would then examine the number and verify it against Social Security records. If the number is valid, the agency informs the employer. A transaction code is used to make a record of the verification transaction much the same as credit-card purchases are verified. The entire transaction is completed in a matter of seconds and does not add to the employer's paperwork burden.

Under both the House-adopted telephone verification system and my Social Security card proposal, the Government would be responsible for certifying employability. This takes the burden off the employer. Most important, this approach eliminates any basis for discrimination against Hispanics or others who may appear to be of foreign extraction.

The combination of employer sanctions and telephone verification will go a long way toward reducing the incentives for illegal immigration, and I strongly support the inclusion of these provisions in the immigration reform package.

Mr. Chairman, the Immigration Reform and Control Act is one of the most controversial pieces of legislation considered by this Congress. It is a comprehensive bill which touches on a number of sensitive issues. Indeed, every major provision of the bill is the subject of intense controversy. There is probably not a Member of Congress who would not like to see the bill changed in some respect.

But we should not let this controversy keep us from taking the difficult steps necessary to bring some sense and order to an immigration system that is out of control. Consensus on this issue is simply not possible. I strongly supported some key amendments to the bill which failed, and I opposed some amendments which were adopted. Still, I believe H.R. 1510, as amended, represents a fair balance of interests.

The longer we wait to deal with the immigration dilemma, the worse the problem will become—and the more difficult it will be to enact reasonable reforms. I urge my colleagues to take

advantage of this opportunity to support this equitable and urgently needed legislation.●

● Mr. FUQUA. Mr. Chairman, I intend to cast my vote in favor of H.R. 1510 because I believe we must have immigration reform and, clearly, this is the only vehicle we have. The present situation is intolerable and we must improve it. H.R. 1510 makes a number of needed improvements and we cannot miss this opportunity for reform.

I support the employer sanctions because I believe we must provide penalties for employers who willfully and repeatedly hire illegal aliens with the clear knowledge that they are violating the law.

I do not support the amnesty provisions and voted for the amendment by the gentleman from Florida [Mr. McCOLLUM] to delete that language. We lost and I respect the judgment of the House. While I believe amnesty is wrong and not in the best long-term interests of the United States, I still vote for the bill because, overall, I believe the Judiciary Committee has done a good job of bringing to the floor a bill with many changes I support.

H.R. 1510 is not a bill that the Members of this Chamber embrace wholeheartedly, but it is a bill we can live with and I believe it deserves our support at this time.●

● Mr. FRENZEL. Mr. Chairman, I have never liked the immigration bill. I would like to have the luxury of voting against it.

Its central feature, amnesty, is not a solution. It's a copout. To say that we are solving the problem of illegal immigration by declaring illegals legal is the exact equivalent of curing poverty by declaring poor people rich.

Amnesty is also immoral from the standpoint that hundreds of thousands of foreign nationals are patiently and legally waiting years for the privilege of U.S. citizenship. They obey our law and get nothing. Illegals break our law and we give them the priceless treasure of U.S. citizenship. There is simply no way to justify rewarding law breakers and penalizing law abiders.

Employer sanctions will help. The only way to keep illegals out is to remove incentives for good employment here. Sanctions will make good employment opportunities less available.

On its apparent merits, the bill does not deserve an affirmative vote. But intangibles cannot be ignored. There is no other option. People, like Chairman MAZZOLI, in whom I have great faith, tell us this is the only possible way to make any progress against the problem of illegal immigration. It is possible that the bill may be improved in conference committee by setting the amnesty date back in time.

I would prefer to vote against the bill, but feel compelled to keep it alive. If it is defeated, there is nothing. I would rather move a leaky vessel forward than give up completely.

My reluctant vote for this bill is an act of hope for improvement, an act of faith in Chairman MAZZOLI and his counterpart in the other body, the Senator from Wyoming [Mr. SIMPSON] and an act of charity in general.●

● Mr. SHUMWAY. Mr. Chairman, after 7 full days of debate, the House has concluded its consideration of the Immigration Reform and Control Act (H.R. 1510) and is now prepared to vote on final passage. It has been a historic debate, in my view, characterized by a notable lack of rancor and animosity as this body has grappled with the very difficult and emotional issue of immigration in America. I would like to commend my colleagues for the orderly and dignified manner in which this debate has been conducted; specifically, I must salute my distinguished colleague, Congressman RON MAZZOLI, for his leadership on this issue and for the excellent job he has done of managing the bill on the floor of the House.

During the course of the House debate on the Simpson-Mazzoli bill, this body has considered over 60 amendments. Through the amendment process, a number of important changes were made in the bill which I strongly support. In my view, the House recognized the shortcomings of H.R. 1510's responsiveness to the needs of agriculture, particularly as it relates to the harvest of perishable crops, and voted in support of the Pannetta-Morrison amendment. This amendment, which creates a temporary agricultural worker program limited to perishable commodities, recognizes the economic realities of the agricultural sector of our economy which has come to rely upon highly mobile foreign workers to harvest crops due to the unavailability of domestic workers. This amendment will ensure producers of perishable commodities with an adequate and dependable work force, preventing any labor gaps which may result from the legalization and employer sanctions provisions of H.R. 1510.

Moreover, the House rejected an amendment to delete the provision of H.R. 1510 requiring a search warrant before Immigration and Naturalization Service [INS] officials may enter agricultural fields. The majority of the House recognized that if agriculture is to comply with the employer sanctions and verification procedures demanded of other industries under H.R. 1510, it is only fair that farmers and farmworkers be granted the same standard of protection from unreasonable search and seizure that other businesses enjoy.

However, while I believe these provisions significantly improve the legislation's responsiveness to the special needs of agriculture, I am afraid the overall shortcomings of the bill outweigh these improvements. I continue to believe that the very generous mass legalization provision of H.R. 1510, which makes illegal aliens who have resided in the United States since January 1, 1982, eligible for temporary resident status, is the greatest weakness of the bill. Rather than assisting our Nation in gaining control of our borders, the amnesty provision in the bill before us will have the unintended effect of encouraging even more undocumented workers to come to the United States. Aliens will undoubtedly continue to illegally enter the United States in the hope that an amnesty will occur again in the future and that they can fraudulently qualify for the amnesty.

As I stated in my opening remarks concerning H.R. 1510, it hardly strikes me as prudent policy to proceed with an amnesty program until it has been adequately demonstrated that our borders can be reasonably secured. To go forward with the legalization provisions of the legislation before us would send a signal to the rest of the world that the United States lacks the will and resources to secure its borders and enforce its immigration policies.

Mr. Chairman, I therefore regret that I am unable to support H.R. 1510 as amended by the House. While important modifications were adopted in regard to the needs of agriculture, which I hope will be retained in any House-Senate conference, I do not believe that H.R. 1510, due to its amnesty provisions and lack of commitment to border enforcement, represents the solution to our Nation's very difficult immigration problem.●

● Mr. WON PAT. Mr. Chairman, I am pleased to join my friend and colleague, ROMANO MAZZOLI, chairman of the Subcommittee on Immigration, in support of H.R. 1510, legislation which is known as the Immigration Reform and Control Act. That this measure bears the name of our colleague is certainly a tribute to the countless hours of hard work he and his excellent staff have put into this effort to establish a coherent immigration policy.

While there is controversy over any effort to amend the Nation's immigration laws—and rightly so—I do urge that the measure before us be approved. I believe it represents a workable consensus in this Congress and will serve as an excellent role model for making our immigration laws fair and equitable.

Let me say that immigration problems are no stranger to my own district. Guam has long had considerable problems dealing with alien influxes and only recently I heard many complaints about how some of these

people were treated by U.S. Immigration officials. Congressman MAZZOLI's bill sets up a framework of laws which will govern the manner in which we deal with alien immigration—both those in the past and in the future.

This measure will also establish a unique new Federal policy designed to stimulate foreign tourism into this country. The bill authorizes both the Departments of Justice and State to jointly establish a 3-year pilot program for up to eight countries for the admission of foreign tourists without the need to first obtain a visitor's visa.

I have long urged the adoption by Congress of a program such as this and am pleased to see that Congressman MAZZOLI and his colleagues have given it their endorsement. In my own congressional district, there are about 300,000 tourists annually entering Guam. The money they spend is vital to the local economy and is a stimulus to the local job market. I must also add that the money these tourists bring to Guam to spend is also a help in reversing the troubling deficit of credit we have with Asian nations such as Japan which is Guam's biggest tourist market.

There is simply no need to make potential tourists to first obtain visas if they are only going to stay in areas such as Guam for short periods of time. Past surveys have indicated tourists welcome any action which will make their international travel easier and less time consuming. Presently, Japanese tourists to Guam must spend considerable effort to obtain a U.S. visa before coming to the island. Congressman MAZZOLI's bill would remove this barrier and hopefully, in the process, encourage foreign tourism to Guam and other U.S. areas. This proposal is similar to one I have introduced in various Congresses. The time has come for this proposal to be adopted. I urge that it be approved. Thank you.●

● Mr. DIXON. Mr. Chairman, as I stand before this body in the waning moments of the debate over the future of our Nation's immigration policy, it seems that in our consideration of this legislation we have experienced both the best of times and the worst of times. On the one hand, this past week I often have been proud to be a member of this legislature, for the intellectual and emotional intensity of the debate is in the best tradition of the Congress. On the other hand, despite the best intentions of my colleagues, the Simpson-Mazzoli bill in its present form does not offer America an acceptable policy of immigration reform.

Mr. Chairman, the Simpson-Mazzoli bill has been debated in an atmosphere of heated controversy. While the Members of the House can expect to disagree on the substance of many legislative proposals—we cannot hope

to resolve the puzzle of effective immigration reform without including certain vital components. Adoption of the amendments that combat discrimination in the workplace and grant legal status to Cuban and Haitian immigrants are constructive and I commend my colleagues on this action.

The adoption of the nonimmigrant seasonal agricultural, so-called guest worker program, and the temporary residence status amendments, however, render this legislative package fatally flawed. Sadly, I conclude that on balance I cannot support this bill, and I advocate the rejection of H.R. 1510.

Inclusion of the guest worker program is indefensible. This program would provide insufficient protections and would have an adverse impact on domestic and foreign workers. Past experience with guest worker programs provide irrefutable evidence of aggravating, rather than ameliorating the illegal immigration problem—in short, once in place the seasonal workers do not go home.

There is no ceiling on the number of aliens allowed. As the number of seasonal workers inevitably rises, they clearly will become a source of competition for Americans in the workforce.

Finally, there is no enforcement mechanism for the employer sanctions in the program. Surely, no one will suggest that this program is the best tool we can devise for combating illegal immigration.

Legalization benefits all Americans. Undocumented aliens live in constant fear of detection and deportation, and as a result usually fail to report crimes, illness, or violations of labor or housing laws. Bringing undocumented persons out of hiding confers obvious benefits on all of society.

However, there are three principal elements of a successful legalization program: First, inclusiveness. The program must be as broad as possible because anything less will leave a large number of aliens in an undocumented status. That result clearly defeats the entire purpose of the bill.

To achieve our objective, the cutoff date must be as close as possible to the date of enactment of this act. I have supported the Select Commission on Immigration and Refugee Policy's recommendation that the continuous residency requirement be no longer than 2 years prior to the date of enactment. The Select Commission estimated that a cutoff date of January 1, 1982, would cover as much as 80 percent of our undocumented aliens.

The second element is simplicity. The eligibility requirements must be simple and unambiguous. Should aliens not be readily able to determine their eligibility because the requirements are too complex, they simply will not come forward to apply for legal status. Again, the effectiveness

of the legalization program would be irreparably compromised.

Finally, no legalization program will work without the third component, enforcement immunity. The procedures used to determine whether an alien qualifies for legalization must guarantee immunity from enforcement action. If aliens are not certain that they are protected from enforcement actions, we cannot hope to have them apply for legal status.

The temporary residency requirement defeats the intent of the legalization section. Legalization should be implemented by means of a single tiered status program. It is only fair that any legalization program grant permanent resident status to undocumented aliens. A so-called two-tiered system grants temporary status to some aliens for a certain time, then allows those immigrants to subsequently apply for permanent status.

Granting temporary status for some aliens produces two unnecessary problems: First, a two-tiered program is much more difficult to administer, since it requires two application procedures and the accompanying record-keeping burden. This discourages aliens from applying, and raises significantly the costs involved.

Second, persons granted temporary status risk deportation. Once aliens establish a presence with the INS, they will be subject to deportation should they later fail to qualify for permanent resident status. This is a mortal blow to the scheme, for it goes directly to the ultimate fear of the illegal alien.

Mr. Chairman, to pass amendments that weaken the workers protections or obstruct a workable legalization program renders useless the entire immigration reform package that this body has labored so diligently to construct. Our duty is not simply to pass an immigration bill, but rather to fashion the best, most effective immigration bill that we can.

This bill does not carry that burden. I must vote to defeat it. Thank you. ●

● Mr. WALGREN. Mr. Chairman, at this time I would like to state for the record my position on H.R. 1510, the Immigration Reform and Control Act.

The United States faces a deep dilemma, that of balancing our roles as a refuge from oppression and an island of hope on the one hand, and our role of insuring every citizen the opportunity to prosper on the other. Were our resources and opportunities unlimited, we would have no dilemma. Since this is not the case, the Congress must control increases in illegal immigration that rob our citizens of opportunities—particularly the jobs—that they deserve.

After listening to all sides of this issue, I can come to no other conclusion than that H.R. 1510 deserves to be supported. Controlled immigration itself is a positive thing for it enriches both the newcomer and his adopted

homeland. We should not forget that much of our scientific and technological leadership, including the developments in nuclear physics and the atom bomb in World War II, has been based on the contribution of immigrants. But when immigration goes unchecked and large, unrecordable numbers enter the United States illegally, the benefits quickly turn to liabilities and enrichment becomes detriment.

We need a concentrated effort to prevent future disruption of our society by uncontrolled immigration. The provision of this bill making it illegal for domestic employers to knowingly hire illegal immigrants is the necessary cornerstone of any solution to the problem that so many from around the world want to come to the United States.

Since most illegal immigrants come looking for work, employers are in the best position to serve as guardians of immigration laws by refusing to hire illegal aliens. In my view, it is their responsibility to do so; it is only fair that penalties be levied when employers disregard their legal duty.

The measures required to implement employer sanctions are simple and, in and of themselves, should not promote discrimination. But we must recognize that many particularly sensitive to civil liberties fear the employer sanctions will be used to discriminate against individual job applicants of minority descent even though they are legal residents.

In my view, there is no way around this concern. We simply must choose between putting systemwide barriers to the present incentive illegal immigrants have to come to the United States for work, or not. Federal law prohibiting discrimination in employment on the basis of national origin should help work against this problem. But forced to choose, we should side with employer sanctions in view of the seriousness of large scale illegal immigration.

Most important, the bill does not seek retribution for past cases of illegal entry. In an attempt to minimize disruption, amnesty, and a temporary residency status will be afforded those who entered the United States prior to January 1982 in recognition that those who now have a life here should not be uprooted and returned to lands of often desperate circumstances.

Finding an approach to illegal immigration that a majority of the Congress can agree on is difficult. All sides of the issue cannot be satisfied. But, in my best judgment, this bill represents the best possible compromise. I support H.R. 1510 because it is a viable answer to a most perplexing problem, based on our basic values of compassion and realism. ●

● Mr. WEISS. Mr. Speaker, I voted against considering H.R. 1510, the Immigration Reform and Control Act, both for substantive and procedural

reasons. This legislation, also known as the Simpson-Mazzoli bill, contains provisions which will significantly endanger the rights of current American citizens, the rights of those who are seeking refuge in our country from oppression abroad, and the rights of undocumented workers currently residing in our country. And it was brought up in such a way as to deny a well-constructed and reasonable alternative; the right to a fair hearing.

After more than a week of debate and amendments, these circumstances are unchanged. Given the sweeping nature of the legislation before us and the threat it poses to the rights of American citizens, refugees, and aliens, the House of Representatives should defeat this bill. It should then give serious consideration to alternative approaches to the problem of illegal immigration which will remove the incentive for this activity while preserving basic human rights.

The controversy surrounding immigration reform stems not from a disagreement on whether it is necessary, but from a disagreement on how best to accomplish it. Proponents of the Simpson-Mazzoli bill have portrayed this legislation as a workable compromise that will satisfy all constituencies affected by immigration reform. However, it has failed to do so. Substantial questions remain as to the wisdom and effectiveness of key proposals contained in this legislation. And a prominent alternative, H.R. 4909, introduced by Representative ROYBAL, has been given only the most cursory examination; it has not even been given the benefit of a hearing.

The provisions of H.R. 1510 relating to refugees are entirely inadequate. Our Nation has made a historic commitment to shelter people fleeing from oppression and our current laws reflect this commitment by providing important protections to refugees who are fleeing persecution in their homeland. However, the bill before us today envisions a reduction in these protections and a weakening of our longtime commitment to the victims of political, economic, and religious oppression. As reported, H.R. 1510 reduced the protections available to refugees. However, an extremely misguided amendment adopted by the House makes a bad situation even worse.

The amendment would allow border patrol officers to exclude aliens seeking to enter this country if they arrive here without proper documentation. The aliens would not have to be informed of their right to counsel or to have an administrative law judge determine their condition. They could be returned immediately to a country in which they face torture or death. The amendment would also significantly diminish access to the courts by refugees under certain circumstances and would eliminate class actions as a remedy to the unjust application of

our immigration laws. The courts have played an extremely important role in recent years in protecting the rights of asylum seekers, and it is essential that access to the courts remain unencumbered. Finally, the bill places strict time limitations on refugees seeking asylum in our country. Given the extremely vulnerable situation of asylum seekers, who are unfamiliar with our language or our legal system, it is essential that we provide these individuals with enough time to secure legal assistance and present their claims.

This bill calls for a serious weakening of our Nation's longstanding commitment to refugees from around the world. Serious abuses of human rights might occur if persons are returned to a country in which they face persecution or death. By passing this bill, we would be telling "the tired, the poor, and the huddled masses yearning to breathe free" to keep out.

The House has wisely deleted the provisions of the bill which would have authorized a Presidential study and report on the need for a national identification system for determining whether an individual is eligible to work. Such a requirement would have had serious implications for our civil liberties. A national identification card could significantly broaden the Government's police power to stop, question, and search individuals, and it could lead to the development of a national databank of personal information.

However, the House did adopt an amendment that calls for a national telephone verification system for employment eligibility. Such a system would be exceedingly expensive, difficult to operate, and likely to result in substantial abuses. Some have estimated that such a system would result in 7,500 calls per hour. And those who are familiar with the filing systems of Government agencies and the possibilities for computer crime will realize that abuse of this system could be widespread. A telephone verification system would protect the employers from sanctions at the expense of those who are seeking jobs.

The Simpson-Mazzoli bill also offers the opportunity for undocumented workers currently residing in the United States to become legalized citizens of our country. Legalization is a humane and realistic way of dealing with a population that has been living in the United States and contributing its labor, taxes, and cultural diversity to our Nation. All evidence suggests that undocumented aliens have had a positive impact on our economy and have not made extensive use of social services. Legalization would bring this population out of the shadows and into the mainstream of American life.

As originally worded, H.R. 1510 provided for a one-step legalization process for aliens who arrived in the United States before January 1, 1982.

However, the House has thwarted the laudable intent of the original bill through an amendment which creates a two-tiered legalization process and requires aliens to meet additional standards before applying to become permanent residents of our Nation. These standards include a requirement that aliens demonstrate that they are participating in a course of study to learn the English language and American history and government. In addition, the amendment would preclude aliens convicted of any felony or of three misdemeanors from becoming legalized citizens, even if the crime was not one of moral turpitude. This amendment destroys the intent of the legalization process and imposes an undue burden on a population which deserves to be fully integrated into our society.

The temporary worker provisions in the Simpson-Mazzoli bill also warrant our concern. While the intent of the bill is ostensibly to limit the number of people who enter the country, these provisions would allow the entrance of between 300,000 and 500,000 foreign workers annually. The European experience with temporary worker programs suggests that they aggravate, rather than alleviate, undocumented immigration. Moreover, these programs are likely to become sustained and steady sources of cheap, controllable labor. The result will be another sad chapter in the history of our Nation's exploitation of foreign workers.

Finally the Simpson-Mazzoli bill will institute sanctions against employers who hire undocumented workers. A cloud of skepticism hangs over these provisions, which have proven ineffective in jurisdictions within the United States and 20 foreign countries which have instituted similar sanctions. Further, while a great deal of undocumented immigration is sparked by employment opportunities available in the United States, there are other reasons for undocumented immigration that will not be affected by employer sanctions. Many people are moved to cross the border in order to reunify their families or to escape social, economic, and political upheaval. Employer sanctions do not in any way address these important incentives for undocumented immigration.

However, the most important problem with employer sanctions is their potential role in encouraging discrimination against Hispanic Americans and other immigrant groups. These groups have expressed the view that employers, fearing significant fines or jail terms, will fail to hire anyone who sounds or looks "foreign."

There are many who have doubted this assessment. But the fact is that harassment of Hispanic Americans is already a daily reality in many parts of the country. In recent INS factory

raids, Hispanic workers were separated from other workers and asked to produce documentation of legal resident status. The result was a series of unwarranted apprehensions and detentions of legal U.S. residents and citizens. There can be little doubt that the institution of employer sanctions would only legitimize and accelerate these kinds of abuses. Moreover, the antidiscrimination measures contained in H.R. 1510 are not sufficient to adequately protect the rights of American workers. All of us who value our civil liberties must feel threatened by the prospect of discrimination under this bill, and we must join together to defeat it.

There is a consistent disregard for human rights throughout the legislation before us. The threat to the rights of individuals and groups is substantial and unavoidable. We need legislation that stops undocumented immigrants from coming into our country. But we also need legislation that preserves the values of justice and fairness for American citizens of all races, for refugees fleeing oppression, and for the shadowy population of undocumented immigrants which has silently contributed to our Nation for many years. The present bill does not preserve these values. I therefore urge my colleagues to join me in rejecting H.R. 1510 and in pressing for full consideration of humane alternatives to this dangerous and misguided bill.●

The CHAIRMAN. The question now is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1510) to revise and reform the Immigration and Nationality Act, and for other purposes, pursuant to House Resolution 519, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. FRANK. Mr. Speaker, I demand a separate vote on amendment No. 22 adopted by the Committee of the Whole.

The SPEAKER. Is a separate vote demanded on any other amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 24, line 15, strike out "(B)(i)" and insert in lieu thereof "(B)".

Page 24, lines 17, 19, and 21, strike out "(I)", "(II)", and "(III)" and insert in lieu thereof "(i)", "(ii)", and "(iii)", respectively.

Page 24, line 23, strike out "subject to clause (ii)".

Page 25, strike out lines 1 through 11.

Page 28, beginning on line 6, strike out "a redetermination excluding an alien under section 235(b)(1)(B)(ii) or".

Page 31, strike out lines 13 through 15.

Page 33, line 9, insert "(A)" after "(5)".

Page 33, after line 10, insert the following new subparagraph:

(B) by striking out "The service of the petition" in paragraph (3) and inserting in lieu thereof "In case of judicial review of an order of deportation, the service of the petition";

Page 34, line 20, strike out "(b)(1)(A)" and insert in lieu thereof "(b)(1)".

Page 35, strike out lines 1 through 21.

Page 36, line 7, insert "or" after the comma.

Page 36, beginning on line 9, strike out "or a redetermination to exclude an alien from entering the United States under section 235(b)(1)(B)(ii)".

Mr. FRANK [during the reading]. Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. McCOLLUM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 219, nays 208, not voting 6, as follows:

[Roll No. 250]

YEAS—219

Andrews (NC)	Broyhill	Darden
Anthony	Burton (IN)	Daub
Applegate	Byron	Davis
Archer	Campbell	Derrick
Badham	Carney	DeWine
Barnard	Chandler	Dickinson
Bartlett	Chappell	Dowdy
Bateman	Chappie	Dreier
Bennett	Cheney	Duncan
Bereuter	Coats	Dyson
Bethune	Coleman (MO)	Edwards (AL)
Bevill	Conable	Edwards (OK)
Biaggi	Cooper	Emerson
Billakis	Corcoran	English
Bliley	Coughlin	Erdreich
Boehlert	Courter	Erlenborn
Boner	Craig	Evans (IA)
Breaux	Crane, Daniel	Fiedler
Brooks	Crane, Philip	Fields
Broomfield	Daniel	Flippo
Brown (CO)	Dannemeyer	Franklin

Frenzel	Lungren	Rudd
Fuqua	Mack	Sawyer
Gekas	MacKay	Schaefer
Gibbons	Madigan	Schulze
Gingrich	Marlenee	Shaw
Goodling	Marriott	Shelby
Gore	Martin (IL)	Shumway
Gradison	Martin (NC)	Shuster
Gramm	Martin (NY)	Siljander
Gregg	McCain	Sisisky
Gunderson	McCandless	Skeen
Hall, Ralph	McCollum	Skelton
Hall, Sam	McCurdy	Smith (IA)
Hammerschmidt	McDade	Smith (NE)
Hance	McEwen	Smith, Denny
Hansen (UT)	McGrath	Smith, Robert
Hartnett	McKernan	Snowe
Hatcher	Mica	Snyder
Hefner	Michel	Solomon
Heftel	Miller (OH)	Spence
Hightower	Molinari	Stangeland
Hiller	Montgomery	Stenholm
Hillis	Moore	Stratton
Holt	Moorehead	Stump
Hopkins	Myers	Sundquist
Horton	Neal	Tallon
Hubbard	Nelson	Tauke
Huckaby	Nichols	Tauzin
Hunter	Nielson	Taylor
Hutto	O'Brien	Thomas (CA)
Hyde	Olin	Thomas (GA)
Ireland	Oxley	Torricelli
Jenkins	Packard	Valentine
Jones (NC)	Parris	Vander Jagt
Jones (OK)	Pashayan	Volkmer
Jones (TN)	Patman	Vucanovich
Kasich	Petri	Walker
Kemp	Pickle	Watkins
Kindness	Pritchard	Weber
Kramer	Pursell	Whitehurst
Lagomarsino	Quillen	Whitley
Latta	Regula	Whittaker
Leath	Ridge	Whitten
Lent	Ritter	Williams (OH)
Lewis (CA)	Roberts	Wilson
Lewis (FL)	Robinson	Winn
Livingston	Roemer	Wolf
Lloyd	Rogers	Wortley
Loeffler	Rose	Wyllie
Lott	Roth	Young (AK)
Lowery (CA)	Roukema	Young (FL)
Lujan	Rowland	Zschau

NAYS—208

Ackerman	de la Garza	Hamilton
Addabbo	Dellums	Harkin
Akaka	Dicks	Harrison
Albosta	Dingell	Hawkins
Alexander	Dixon	Hayes
Anderson	Donnelly	Hertel
Andrews (TX)	Dorgan	Howard
Annunzio	Downey	Hoyer
Aspin	Durbin	Hughes
AuCoin	Dwyer	Jacobs
Barnes	Dymally	Jeffords
Bates	Early	Johnson
Bedell	Eckart	Kaptur
Bellenson	Edgar	Kastenmeier
Berman	Edwards (CA)	Kazen
Boggs	Evans (IL)	Kennelly
Boland	Faaceil	Kildee
Bonior	Fazio	Kleczka
Bonker	Feighan	Kogovsek
Borski	Ferraro	Kolter
Bosco	Fish	Kostmayer
Boucher	Florio	LaFalce
Boxer	Foglietta	Lantos
Britt	Foley	Leach
Brown (CA)	Ford (MI)	Lehman (CA)
Bryant	Ford (TN)	Lehman (FL)
Burton (CA)	Fowler	Levin
Carper	Frank	Levine
Carr	Frost	Levitass
Clarke	Garcia	Lipinski
Clay	Gaydos	Long (LA)
Clinger	Gejdenson	Long (MD)
Coelho	Gephardt	Lowry (WA)
Coleman (TX)	Gilman	Lukens
Collins	Glickman	Lundine
Conte	Gonzalez	Markey
Conyers	Gray	Martinez
Coyne	Green	Matsui
Crockett	Guarini	Mavroules
D'Amours	Hall (IN)	Mazzoli
Daschle	Hall (OH)	McCloskey

McHugh	Perkins	Spratt
McKinney	Porter	St Germain
McNulty	Price	Staggers
Miller (CA)	Rahall	Stark
Mineta	Rangel	Stokes
Minish	Ratchford	Studds
Mitchell	Ray	Swift
Moakley	Reid	Synar
Mollohan	Richardson	Torres
Moody	Rinaldo	Towns
Morrison (CT)	Rodino	Traxler
Morrison (WA)	Roe	Udall
Mrazek	Rostenkowski	Vandergriff
Murphy	Roybal	Vento
Murtha	Russo	Walgren
Natcher	Sabo	Waxman
Nowak	Savage	Weaver
Oakar	Scheuer	Weiss
Oberstar	Schneider	Wheat
Obey	Schroeder	Wirth
Ortiz	Schumer	Wise
Ottinger	Seiberling	Wolpe
Owens	Sharp	Wright
Panetta	Sikorski	Wyden
Patterson	Simon	Yates
Paul	Slattery	Yatron
Pease	Smith (FL)	Young (MO)
Penny	Smith (NJ)	
Pepper	Solarz	

NOT VOTING—6

Hansen (ID)	Mikulski	Shannon
Leland	Sensenbrenner	Williams (MT)

□ 1650

Mr. GEJDENSON and Mr. MURPHY changed their votes from "yea" to "nay."

Mr. WEBER changed his vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HORTON

Mr. HORTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HORTON. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HORTON moves to recommit the bill, H.R. 1510, to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the yeas appeared to have it.

Mr. GARCIA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.
The vote was taken by electronic device, and there were—yeas 216, nays 211, not voting 6, as follows:

[Roll No. 251]

YEAS—216

Alexander	Glickman	Nelson
Andrews (NC)	Gore	Nelson
Annunzio	Gradison	Nowak
Anthony	Green	O'Brien
Aspin	Gregg	Obey
Badham	Gunderson	Ottenger
Barnes	Hamilton	Oxley
Bateman	Hammerschmidt	Packard
Bates	Hansen (UT)	Panetta
Bedell	Harkin	Pease
Bellenson	Harrison	Penny
Bennett	Hefner	Pepper
Bereuter	Hefelt	Petri
Boehlert	Hiler	Pickle
Boggs	Holt	Price
Boland	Howard	Pritchard
Boner	Hoyer	Quillen
Bonior	Hutto	Rahall
Bonker	Hyde	Ridge
Boucher	Ireland	Ritter
Breaux	Jeffords	Rodino
Britt	Johnson	Roe
Broyhill	Jones (OK)	Rose
Burton (IN)	Jones (TN)	Rostenkowski
Byron	Kasich	Russo
Campbell	Kastenmeier	Sabo
Carper	Klecza	Sawyer
Chandler	Kostmayer	Schaefer
Chappell	LaFalce	Scheuer
Cheney	Leach	Schneider
Clarke	Lehman (FL)	Schulze
Clinger	Levin	Schumer
Coats	Levitas	Seiberling
Conable	Lewis (FL)	Sharp
Conte	Lipinski	Shaw
Cooper	Livingston	Sisisky
Corcoran	Lloyd	Slattery
Coughlin	Long (LA)	Smith (FL)
Coyne	Long (MD)	Smith (IA)
D'Amours	Lott	Smith (NE)
Dannemeyer	Lowery (CA)	Smith (NJ)
Daschle	Luken	Smith, Denny
Davis	Lundine	Snowe
Derrick	Lungren	Solarz
DeWine	MacKay	Spratt
Dicks	Madigan	St Germain
Dingell	Martin (NC)	Stangeland
Donnelly	Mavroules	Stark
Dorgan	Mazzoli	Studds
Dowdy	McCandless	Synar
Downey	McCloskey	Tallon
Durbin	McCollum	Tauke
Dwyer	McCurdy	Taylor
Early	McDade	Thomas (CA)
Eckart	McEwen	Torricelli
Edwards (AL)	McHugh	Traxler
Erlenborn	McKernan	Valentine
Evans (IA)	McKinney	Vucanovich
Fascell	Mica	Walgren
Feighan	Michel	Walker
Fish	Miller (OH)	Weaver
Foley	Moakley	Weber
Ford (TN)	Molinari	Whitehurst
Fowler	Montgomery	Whitley
Frank	Moody	Whittaker
Franklin	Moorhead	Wilson
Frenzel	Morrison (WA)	Winn
Fuqua	Mrazek	Wolf
Gekas	Murtha	Wortley
Gibbons	Myers	Wright
Gilman	Natcher	Wyllie
Gingrich	Neal	Young (FL)

NAYS—211

Ackerman	Bevill	Carney
Addabbo	Biaggi	Carr
Akaka	Billirakis	Chappie
Albosta	Billiey	Clay
Anderson	Borski	Coelho
Andrews (TX)	Bosco	Coleman (MO)
Applegate	Boxer	Coleman (TX)
Archer	Brooks	Collins
AuCoin	Broomfield	Conyers
Barnard	Brown (CA)	Courter
Bartlett	Brown (CO)	Craig
Berman	Bryant	Crane, Daniel
Bethune	Burton (CA)	Crane, Philip

Crockett	Kaptur	Richardson
Daniel	Kazen	Rinaldo
Darden	Kemp	Roberts
Daub	Kennelly	Robinson
de la Garza	Kildee	Roemer
Dellums	Kindness	Rogers
Dickinson	Kogovsek	Roth
Dixon	Kolter	Roukema
Dreier	Kramer	Rowland
Duncan	Lagomarsino	Roybal
Dymally	Lantos	Rudd
Dyson	Latta	Savage
Edgar	Leath	Schroeder
Edwards (CA)	Lehman (CA)	Shelby
Edwards (OK)	Lent	Shumway
Emerson	Levine	Shuster
English	Lewis (CA)	Sikorski
Erdreich	Loeffler	Siljander
Evans (IL)	Lowry (WA)	Simon
Fazio	Lujan	Skeen
Ferraro	Mack	Skelton
Fiedler	Markey	Smith, Robert
Fields	Marlenee	Snyder
Flippo	Marriott	Solomon
Florio	Martin (IL)	Spence
Foglietta	Martin (NY)	Staggers
Ford (MI)	Martinez	Stenholm
Frost	Matsui	Stokes
Garcia	McCain	Stratton
Gaydos	McGrath	Stump
Gejdenson	McNulty	Sundquist
Gephardt	Miller (CA)	Swift
Gonzalez	Mineta	Tauzin
Goodling	Minish	Thomas (GA)
Gramm	Mitchell	Torres
Gray	Mollohan	Towns
Guarini	Moore	Udall
Hall (IN)	Morrison (CT)	Vander Jagt
Hall (OH)	Murphy	Vandergriff
Hall, Ralph	Nichols	Vento
Hall, Sam	Oakar	Volkmer
Hance	Oberstar	Watkins
Hartnett	Olin	Waxman
Hatcher	Ortiz	Weiss
Hawkins	Owens	Wheat
Hayes	Parris	Whitten
Hertel	Pashayan	Williams (OH)
Hightower	Patman	Wirth
Hillis	Patterson	Wise
Hopkins	Paul	Wolpe
Horton	Perkins	Wyden
Hubbard	Porter	Yates
Huckaby	Pursell	Yatron
Hughes	Rangel	Young (AK)
Hunter	Ratchford	Young (MO)
Jacobs	Ray	Zschau
Jenkins	Regula	
Jones (NC)	Reid	

NOT VOTING—6

Hansen (ID)	Mikulski	Shannon
Leland	Sensenbrenner	Williams (MT)

□ 1710

Mr. PERKINS changed his vote from "yea" to "nay."

Messrs. BURTON of Indiana, PETRI, OTTINGER, and HOWARD changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. RODINO. Mr. Speaker, I move to take from the Speaker's table the Senate bill (S. 529) to revise and reform the Immigration and Nationality Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey [Mr. RODINO].

The motion was agreed to.

The Clerk read the Senate bill, as follows:

S. 529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Immigration Reform and Control Act of 1983".

(b) Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of, a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

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Sec. 115. Execution of warrant.

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Sec. 122. United States Immigration Board and establishment of immigration judge system.

Sec. 123. Judicial review.

Sec. 124. Asylum.

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Sec. 126. Technical and conforming amendments.

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PART A—IMMIGRANTS

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Sec. 202. Preference and nonpreference allocation systems.

Sec. 203. Labor certification.

Sec. 204. G-4 special immigrants.

Sec. 205. Effective dates and transition.

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TITLE I—CONTROL OF ILLEGAL IMMIGRATION

PART A—EMPLOYMENT

CONTROL OF UNLAWFUL EMPLOYMENT OF ALIENS

Sec. 101. (a)(1) Chapter 8 of title II is amended by inserting after section 274 (8 U.S.C. 1324) the following new section:

"UNLAWFUL EMPLOYMENT OF ALIENS"

"Sec. 274A. (a)(1) It is unlawful for a person or other entity after the date of the enactment of this section—

"(A) to hire, or for consideration to recruit or refer, for employment in the United States an alien knowing the alien is an unauthorized alien (as defined in paragraph (4)) with respect to such employment, or

"(B) to hire for employment in the United States an individual without complying with the requirements of subsection (b). Subparagraph (B) shall not apply to a person or entity which employs three or fewer employees.

"(2) It is unlawful for a person or other entity who, after hiring an alien for employment subsequent to the date of the enactment of this Act and in accordance with paragraph (1), continues to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(4) As used in this section, the term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either (A) an alien lawfully admitted for permanent residence, or (B) authorized to be so employed by this Act or by the Attorney General.

"(b) Except as provided in subsection (c), the requirements referred to in paragraphs (1)(B) and (3) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, that—

"(1) the person or entity must attest, under penalty of perjury and on a form established by the Attorney General by regulation, that he has verified that the individual is eligible to be employed (or recruited or referred for employment) in accordance with subsection (a)(1)(A) by examining the individual's—

"(A) United States passport, or

"(B)(i) social security account number card (issued by the Social Security Administration under section 205(c)(2)(B) of the Social Security Act and in such secure form, if any, as the Administrator of Social Security has made available) or certificate of birth in the United States or United States consular report of birth or, in the case of an individual without a social security card or a certificate of birth in the United States or a United States consular report of birth, a passport of a foreign country or where no such documentation is available, any other identification acceptable to the Attorney General, and

"(ii)(I) alien documentation, identification, and telecommunication card, or similar fraud-resistant card issued by the Attorney General to aliens, or other identification issued by the Attorney General to aliens who establish eligibility for employment,

"(II) driver's license or similar document issued for the purpose of identification by a State, if it contains a photograph of the individual or such other personal identifying information relating to the individual as the Attorney General finds sufficient for purposes of this section, or

"(III) in the case of individuals under sixteen years of age or in a State which does not provide for issuance of an identification document (other than a driver's license) referred to in subclause (II), documentation of personal identity of such other type as the Attorney General finds, by regulation, provides a reliable means of identification;

"(2) the individual must attest, under penalty of perjury and on the form established by the Attorney General for purposes of paragraph (1), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Attorney General to be hired, recruited, or referred for such employment; and

"(3) after completion of such form in accordance with paragraphs (1) and (2), the person or entity must retain the form and make it available for inspection by officers of the Service or of the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual and ending on the later of five years after such date or, in the case of the hiring of the individual, one year after the date the individual's employment is terminated.

A person or entity has complied with paragraph (1) with respect to examination of a document if the document reasonably appears on its face to be genuine. Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection.

"(c)(1) Except as provided in paragraph (3), within three years after the date of the enactment of this section, the President shall implement such changes in or additions to the requirements of subsection (b) as may be necessary to establish a secure system to determine employment eligibility in the United States, which system shall conform to the requirements of paragraph (2).

"(2) Such system shall be designed in a manner so that—

"(A) the system will reliably determine that a person with the identity claimed by an employee or prospective employee is eligible to work, and that the employee or prospective employee is not claiming the identity of another individual;

"(B) if the system requires an examination by an employer of any document, such document must be in a form which is resistant to counterfeiting and tampering;

"(C) personal information utilized by the system is available to Government agencies, employers, and other persons only to the extent necessary for the purpose of verifying that the individual is not an unauthorized alien;

"(D) the system will protect the privacy and security of personal information and

identifiers utilized in the system including recommendations to the Congress for the establishment of civil and criminal sanctions for unauthorized use or disclosure of the information or identifiers contained in such system;

"(E) a verification that an employee or prospective employee is eligible to be employed in the United States may not be withheld for any reason other than that the employee or prospective employee is an unauthorized alien;

"(F) the system shall not be used for law enforcement purposes (other than for enforcement of this section or section 1546 of title 18, United States Code);

"(G) if the system requires individuals to present a card or other document (designed specifically for use for this purpose) at the time of hiring, recruitment, or referral, then such document may not be required to be presented for any purpose other than under this section (or enforcement of section 1546 of title 18, United States Code) nor to be carried on one's person; and

"(H) the President shall examine existing Federal and State identification systems, or the systems referred to in subsection (b) of this section, to determine suitability for use with the permanent system authorized to be developed by this section.

"(3)(A) Before the President implements any change in or addition to the requirements of subsection (b) which would require an individual to present a new card or other document (designed specifically for use for this purpose) at the time of hiring, recruitment, or referral, he shall prepare and transmit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report setting forth his proposal to implement such a change or addition. No such change or addition may be implemented if, within thirty calendar days after receiving such report, the Congress adopts a concurrent resolution stating in substance that it objects to the implementation of such change or addition.

"(4)(A) Any such concurrent resolution shall be considered in the Senate in accordance with paragraph (5).

"(B) For the purpose of expediting the consideration and adoption of concurrent resolutions under paragraph (3), a motion to proceed to the consideration of any such concurrent resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(5)(A) For purposes of paragraph (3), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

"(B) Subparagraphs (C) and (D) of this subsection are enacted—

"(i) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of concurrent resolutions referred to in paragraph (3), and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith; and

"(ii) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner and to the case of any other rule of the Senate.

"(C)(i) If the committee of the Senate to which has been referred a resolution relating to a certification has not reported such resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under subparagraph (A), it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same certification which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a resolution with respect to the same certification.

"(ii) A motion to discharge under clause (i) may be made only by a Senator favoring the resolution, is privileged, and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(D)(i) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(ii) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(iii) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than one hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(iv) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to reconsider, a resolution is in order in the Senate.

"(d)(1)(A) In the case of a person or entity which violates paragraph (1)(A) or (2) of subsection (a) and which—

"(i) has not previously been determined (after opportunity for a hearing under paragraph (4)(A)) to have violated either such paragraph, the person or entity shall be subject to a civil penalty of \$1,000 for each unauthorized alien with respect to which the violation occurred, or

"(ii) has previously been determined (after opportunity for a hearing under paragraph (4)(A)) to have violated either such paragraph, the person or entity shall be subject to a civil penalty of \$2,000 for each unauthorized alien with respect to which the violation occurred.

In counting the number of previous determinations of violations for purposes of determining whether clause (i) or (ii) applies, determinations of more than one violation in the course of a single proceeding or adju-

dication shall be considered as a single determination. In the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for its own hiring, recruiting, or referral for employment, each such subdivision shall be considered a separate person or entity if such hiring, recruiting, or referral for employment is not under the direct control of another subdivision or any entity or office exercising final management authority over such subdivisions.

"(B) In the case of a person or entity which has engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the person or entity shall be fined not more than \$1,000, imprisoned not more than six months, or both, for each violation.

"(2) Whenever the Attorney General (i) has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral in violation of subsection (a); or (ii) within an eighteen-month period issues to a person or entity a second notice of a violation of subsection (a) and the two notices charge violations involving a total of five or more individuals, the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a temporary or permanent injunction, restraining order, or other order against the person or entity, as the Attorney General deems necessary. In the case of a person or entity composed of distinct physically separate subdivisions each of which provides separately for its own hiring, recruiting or referral for employment, each such subdivision shall be considered a separate person or entity if such hiring, recruiting or referral for employment is not under the direct control of another subdivision or any entity or office exercising final management authority over such subdivisions.

"(3) A person or entity which violates subsection (a)(1)(B) shall be subject to a civil penalty of \$500 for each individual with respect to which such violation occurred.

"(4)(A) Before assessing a civil penalty under this subsection against a person or entity, the Attorney General shall provide the person or entity with notice and the opportunity to request a hearing respecting the violation. Any hearing so requested shall be conducted before an immigration officer designated by the Attorney General.

"(B) If the person or entity against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, the Attorney General shall file a suit to collect the amount in any appropriate district court of the United States. In any such suit or in any other suit seeking to review the Attorney General's determination, the suit shall be determined solely upon the administrative record upon which the civil penalty was assessed and the Attorney General's findings of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(e) In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) to be employed in the United States, the Attorney General shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(f) The provisions of this section preempt any State or local law imposing civil or

criminal sanctions upon those who employ, or refer or recruit for employment, unauthorized aliens.

"(g) The President shall monitor the implementation of this section (including the effectiveness of the verification system described in subsection (b) and the status of the development and implementation of the secure verification system described in subsection (c)) and the impact of this section on employment in the United States of aliens and of citizens and nationals of the United States, on the illegal entry of aliens into the United States, and on the failure of aliens who have legally entered the United States to remain in legal status."

"(2)(A) Except as provided in subparagraph (B), the amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

"(B)(i) Where the Attorney General has reason to believe that a person or entity may have violated subsection (a) of section 274A of the Immigration and Nationality Act during the six-month period beginning on the first day of the first month beginning after the date of the enactment of this Act, the Attorney General shall notify such person or entity of such belief and shall not conduct any proceeding, nor impose any penalty, under such section on the basis of such alleged violation or violations.

"(ii) Where the Attorney General has reason to believe that a person or entity may have violated subsection (a) of section 274A of the Immigration and Nationality Act during the subsequent six-month period, the Attorney General shall, in the first instance of such a violation (or violations) occurring during such period, provide a warning to the person or entity that such a violation or violations may have occurred and shall not conduct any proceeding, nor impose any penalty, under such section on the basis of such alleged violation or violations.

"(C) During the year beginning on the date of the enactment of this Act, the Attorney General, in cooperation with the Secretaries of Commerce, Labor, and Agriculture and the Administrator of the Small Business Administration, shall disseminate forms and information to employers, employment agencies, and organizations representing employees and provide for public education respecting the requirements of section 274A of the Immigration and Nationality Act.

"(b) The table of contents is amended by inserting after the item relating to section 274 the following new item:

"Sec. 274A. Unlawful employment of aliens."

"(c)(1) The Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470) is amended—

"(A) by striking out "101(a)(15)(H)(ii)" in paragraphs (8)(B) and (10)(B) of section 3 (29 U.S.C. 1802) and inserting in lieu thereof "101(a)(15)(H)(ii)(a)";

"(B) in section 103(a) (29 U.S.C. 1813(a))—

"(i) by striking out "or" at the end of paragraph (4),

"(ii) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and

"(iii) by adding at the end the following new paragraph:

"(6) has been found to have violated paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act.";

"(C) by striking out section 106 (29 U.S.C. 1816) and the corresponding item in the table of contents; and

(D) by striking out "section 106" in section 501(b) (29 U.S.C. 1851(b)) and by inserting in lieu thereof "paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act".

(2) The amendments made by paragraph (1) shall apply to the employment, recruitment, referral, or utilization of the services of an individual occurring on or after the first day of the seventh month beginning after the date of the enactment of this Act.

(d) Nothing in this section shall be construed to restrict the authority of the Equal Employment Opportunity Commission to investigate allegations, in writing and under oath or affirmation, of unlawful employment practices, as provided in section 2000e-5 of title 42, the United States Code, or any other authority provided therein.

FRAUD AND MISUSE OF CERTAIN DOCUMENTS

SEC. 102. (a) Section 1546 of title 18, United States Code, is amended—

(1) by amending the heading to read as follows:

"§ 1546. Fraud and misuse of visas, permits, and other documents";

(2) by striking out "or other document required for entry into the United States" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States";

(3) by striking out "or document" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States";

(4) by striking out "\$2,000" and inserting in lieu thereof "\$5,000";

(5) by inserting "(a)" before "Whoever" the first place it appears, and

(6) by adding at the end the following new subsection:

"(b) Whoever without authority of the issuing agency and with unlawful intent—

"(1) photographs, prints, or in any manner makes or executes any engraving, photograph, print, or impression in the likeness of—

"(A) any document presented to satisfy a requirement of the Immigration and Nationality Act or regulations issued thereunder, or

"(B) any document presented to obtain a required document described in subparagraph (A), including any document presented to establish eligibility for adjustment of status under subsection (a) or (b) of section 245A of the Immigration and Nationality Act;

"(2) sells, transfers, distributes, presents, or uses, or possesses with the intent to sell, transfer, distribute, present, or use, an engraving, photograph, print, or impression in the likeness of a document described in subparagraph (A) or (B) of paragraph (1);

"(3) alters any document described in subparagraph (A) or (B) of paragraph (1) relating to another person; or

"(4) sells, transfers, distributes, presents, or uses, or possesses with the intent to sell, transfer, distribute, present, or use, any document described in subparagraph (A) or (B) of paragraph (1) relating to another person, whether or not altered,

shall be fined not to exceed \$5,000 or imprisoned not more than five years, or both."

(b) The item relating to section 1546 in the table of sections of chapter 75 of such title is amended to read as follows:

"1546. Fraud and misuse of visas, permits, and other documents."

PART B—ENFORCEMENT

IMMIGRATION AND NATURALIZATION SERVICE ENFORCEMENT ACTIVITIES

SEC. 111. (a) It is the sense of the Congress that an essential element of the program of immigration control and reform established by this Act is an increase in border patrol and other enforcement activities of the Immigration and Naturalization Service in order to prevent and deter the illegal entry of aliens into the United States.

(b) In order to do this in the most effective and efficient manner, it is the intent of the Congress to provide, through the annual authorization of appropriations process for the Department of Justice, for a controlled and closely monitored increase in the level of the border patrol and of other appropriate enforcement activities of the Immigration and Naturalization Service to achieve an effective level of control of illegal immigration.

UNLAWFUL TRANSPORTATION OF ALIENS TO THE UNITED STATES

SEC. 112. Section 274 (8 U.S.C. 1324) is amended to read as follows:

"Sec. 274. (a) Any person who, knowingly or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each transaction constituting a violation of this subsection, regardless of the number of aliens involved, be guilty of a misdemeanor and upon conviction shall be punished by a mandatory fine of \$2,500, the imposition of which shall not be suspended by the court, and, in the court's discretion, may be punished by an additional fine of not more than \$2,500 for each such alien in respect to whom any violation of this paragraph occurs or by imprisonment for a term not exceeding one year, or both.

"(b) Whoever, under subsection (a), commits—

"(1) a second offense,

"(2) an offense done for the purpose of commercial advantage or private financial gain,

"(3) an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration official, or

"(4) an offense during which the offender or the alien with the knowledge of the offender makes any false or misleading statement or engages in any act or conduct intended to mislead any officer, agent, or employee of the United States,

shall be guilty of a felony and upon conviction shall be punished by a fine not exceeding \$10,000 or by imprisonment for a term not exceeding five years, or both, for each alien in respect to whom any violation of this subsection occurs.

"(c) Any person who—

"(1) knowingly or having reason to know that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien

has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien,

"(2) knowingly or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law, or

"(3) knowingly or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection such alien in any place, including any building or any means of transportation,

shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not exceeding \$10,000 or by imprisonment for a term not exceeding five years, or both, for each alien in respect to whom any violation of this subsection occurs. For the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring.

"(d)(1) Any conveyance, including any vessel, vehicle, or aircraft, which has been, is being, or is intended to be used in the commission of a violation of subsection (a), (b), or (c) shall be seized and subject to forfeiture, except that—

"(A) no conveyance used by any person as a common carrier shall be forfeited under the provisions of this section if the offense occurs when the conveyance is being used in the business as a common carrier unless the owner, operator, or other person in charge of the conveyance at the time of the offense was a consenting party or privy to the illegal act; and

"(B) no conveyance shall be forfeited under the provisions of this section if the offense occurred while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State.

"(2) Any conveyance subject to seizure under this section may be seized without a warrant if there is probable cause to believe the conveyance has been, is being, or is intended to be used in a violation of subsection (a), (b), or (c) and circumstances exist where a warrant is not constitutionally required.

"(3) All provisions of the customs laws relating to—

"(A) the seizure, summary and judicial forfeiture, and condemnation of property,

"(B) the disposition of such property or the proceeds from the sale thereof,

"(C) the remission or mitigation of such forfeiture, and

"(D) the compromise of claims and the award of compensation to informers in respect of such forfeitures,

shall apply to seizures and forfeitures incurred or alleged to have been incurred under the provisions of this section insofar as applicable and not inconsistent with the provisions of this section, except that duties imposed on customs officers or other persons regarding the seizure and forfeiture of property under the customs laws may be performed with respect to seizure and forfeitures carried out under the provisions of this section by such officers or persons au-

thorized for that purpose by the Attorney General.

"(4) Whenever a conveyance is forfeited under this section the Attorney General may—

"(A) retain the conveyance for official use;

"(B) sell the conveyance, in which case the proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs;

"(C) require that the General Services Administration, or the Federal Maritime Commission if appropriate under section 484(i) of title 40, United States Code, take custody of the conveyance and remove it for disposition in accordance with law; or

"(D) dispose of the conveyance in accordance with the terms and conditions of any petition of remission or mitigation of forfeiture granted by the Attorney General.

"(5) In all suits or actions brought for the forfeiture of any conveyance seized under this section, where the conveyance is claimed by any person, the burden of proof shall lie upon such claimant, except that probable cause shall be first shown for the institution of such suit or action, to be judged of by the court. In determining whether probable cause exists, any of the following items of evidence shall be prima facie evidence of the presumption that an alien involved in the alleged violation had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law:

"(A) Records of any judicial or administrative proceeding in which that alien's status was an issue and in which it was determined that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law;

"(B) Official records of the Service or of the Department of State showing that the alien had not received prior authorization to come to, enter, or reside in the United States or had come to, entered, or remained in the United States in violation of law; and

"(C) Testimony, by an immigration officer having personal knowledge of the facts concerning that alien's status, that such alien had not received prior authorization to come to, enter, or reside in the United States or had come to, entered, or remained in the United States in violation of law.

"(6) Any officer or employee of the Service designated by the Attorney General, either individually or as a member of a class, and all other Federal officers whose duty it is to enforce criminal laws and those State officers whose duty it is to enforce criminal laws and who have been specifically designated by the Attorney General shall have authority to make any arrest for a violation of any provision of this section."

UNLAWFUL ENTRY INTO THE UNITED STATES

SEC. 113. Section 275 (8 U.S.C. 1325) is amended by inserting "or attempts to enter" after "enters".

BORDER PATROL

SEC. 114. There are authorized to be appropriated to an immigration emergency revolving fund, to be established in the Treasury, \$35,000,000, to be used to provide for an increase in border patrol or other enforcement activities of the Service and for reimbursement of State and localities in provid-

ing assistance as requested by the Attorney General in meeting an immigration emergency, except that no amounts may be withdrawn from such funds with respect to an emergency unless the President has determined that the immigration emergency exists and has certified such fact to the Judiciary Committees of the House of Representatives and of the Senate.

EXECUTION OF WARRANT

SEC. 115. Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end thereof the following:

"(d) Notwithstanding any other provision of this section, other than paragraph (3) subsection (a), an officer or employee of the Service may not enter onto the premises of a farm or other agricultural operation without a properly executed warrant."

PART C—ADJUDICATION PROCEDURES AND ASYLUM

INSPECTION AND EXCLUSION

SEC. 121. (a) Section 235(a) (8 U.S.C. 1225(a)) is amended by striking out "arriving at ports" in the second sentence and inserting in lieu thereof "entering at ports or at the land borders".

(b) Section 235(b) (8 U.S.C. 1225(b)) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following:

"(b)(1) If an examining immigration officer at the port of arrival determines that an alien does not have the documentation required to obtain entry into the United States, does not have any reasonable basis for legal entry into the United States, and has not applied for asylum under section 208, such alien shall not be admissible and shall be excluded from entry into the United States without further inquiry or hearing.

"(2) If an examining immigration officer at a port of entry or land border of the United States determines that an alien (other than an alien crewman and except as otherwise provided in subsection (c) of this section and in section 273(d)) is otherwise not clearly and beyond a doubt entitled to land, such alien shall be detained for a hearing on exclusion of the alien to be held before an immigration judge."

(2) by designating the sentence beginning "The decision" as paragraph (3), and

(3) by adding at the end the following new paragraphs:

"(4) The Attorney General shall establish procedures, after consultation with the Judiciary Committees of the Congress, which assure that aliens are not excluded under paragraph (1) without an inquiry into their reasons for unlawfully seeking entry into the United States.

"(5) In the case of an alien who would be excluded from entry under paragraph (1) but for an application for asylum under section 208, the exclusion hearing with respect to such entry shall be limited to the issues raised by the asylum application."

(c) Section 236(a) (8 U.S.C. 1226(a)), as amended by section 126 of this Act, is further amended by inserting after the second sentence the following new sentence: "To the extent practicable, the hearing shall be conducted in a nonadversarial, informal manner, except that the applicant is entitled to be assisted by counsel (in accordance with section 292), to present evidence, and to examine and cross-examine witnesses."

(d) Section 237 (8 U.S.C. 1227) is amended—

(1) by striking out "arrived in" in the first sentence of subsection (a)(1) and inserting in lieu thereof "entered";

(2) by striking out "arrived" in the second sentence of subsection (a)(1) and inserting in lieu thereof "entered the United States";

(3) by striking out "airport of arrival" in the first sentence of subsection (b) and inserting in lieu thereof "port of entry";

(4) by striking out "port of arrival" in the second sentence of subsection (b) and inserting in lieu thereof "port of entry";

(5) by striking out "arrived in" in the first sentence of subsection (c) and inserting in lieu thereof "entered"; and

(6) by striking out "arrived in" in subsection (e) and inserting in lieu thereof "entered".

UNITED STATES IMMIGRATION BOARD AND ESTABLISHMENT OF IMMIGRATION JUDGE SYSTEM

SEC. 122. (a) Title I is amended by adding at the end the following new section:

"UNITED STATES IMMIGRATION BOARD; USE OF IMMIGRATION JUDGES

"Sec. 107. (a)(1) There is established in the Department of Justice a United States Immigration Board (hereafter in this section referred to as the 'Board') composed of a Chairman and eight other members appointed by the Attorney General.

"(2) The term of office of the Chairman and all other members of the Board shall be six years, except that—

"(A) of the members first appointed under this subsection, three shall be appointed for a term of two years, three shall be appointed for a term of four years, and three shall be appointed for a term of six years,

"(B) a member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term, and

"(C) a member may serve after the expiration of his term until his successor has taken office.

"(3) The Attorney General may remove a member of the Board only for neglect of duty or malfeasance in office.

"(4) Members of the Board (other than the Chairman) are entitled to receive compensation at the rate now or hereafter provided for grade GS-17 of the General Schedule, under section 5332 of title 5, United States Code. The Chairman is entitled to receive compensation at the rate now or hereafter provided for grade GS-18 of the General Schedule, under section 5332 of title 5, United States Code.

"(5) The Chairman shall be responsible on behalf of the Board for the administrative operations of the Board and shall promulgate rules of practice and procedure for the Board and immigration judges.

"(b)(1) The Board shall hear and determine appeals from—

"(A) final decisions of immigration judges under this Act, other than a determination granting voluntary departure under section 244(e) within a period of at least thirty days if the sole ground of appeal is that a greater period of departure time should have been fixed;

"(B) decisions on applications for the exercise of the discretionary authority contained in section 212(c) or section 212(d)(3)(B);

"(C) decisions involving the imposition of administrative fines and penalties, including mitigation thereof;

"(D)(i) decisions on petitions filed in accordance with section 204, other than petitions to accord preference status under

paragraph (1) or (2) of section 203(b) or petitions on behalf of a child described in section 101(b)(1)(F), and (ii) decisions on requests for revalidation and decisions revoking approval of such petitions under section 205;

"(E) determinations relating to bond, parole, or detention of an alien under sections 242(a) and 242(c); and

"(F) such other decisions or determinations arising under this Act as the Attorney General may by regulation prescribe.

"(2) Three members of the Board constitute a quorum of the Board, except that the Chairman (or any member of the Board designated by the Chairman) is empowered to decide nondispositive motions.

"(3) The Board shall act in panels of three or more members or en banc (as designated by the Chairman in accordance with the rules of the Board). A final decision of such a panel shall be considered to be a final decision of the Board.

"(4) The Board shall review the decision of an immigration judge based solely upon the administrative record upon which the decision is based, and the findings of fact in the judge's order, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(5) A final decision of the Board shall be binding on all immigration judges, immigration officers, and consular officers under this Act unless and until otherwise modified or reversed by a court of the United States."

"(c)(1) The Attorney General shall, in accordance with procedures and regulations governing appointment and, except as provided in this paragraph, compensation in the competitive service—

"(A) appoint immigration judges;

"(B) set the rate of compensation for such judges at a rate not to exceed the rate now or hereafter prescribed for grade GS-16 of the General Schedule, under section 5332 of title 5, United States Code; and

"(C) designate one such judge to serve as chief immigration judge, who shall be entitled to compensation at the rate now or hereafter prescribed for grade GS-17 of such General Schedule.

"(2) In accordance with the rules established by the Board, the chief immigration judge—

"(A) shall have responsibility for the administrative activities affecting immigration judges, and

"(B) may designate any immigration judge in active service to hear and decide any cases described in paragraph (3).

"(3) Immigration judges shall hear and decide—

"(A) exclusion cases under sections 236 and 360(c),

"(B) deportation and suspension of deportation cases under sections 242, 243, and 244,

"(C) rescission of adjustment of status cases under section 246,

"(D) with respect to judges designated to hear such cases, applications for asylum under section 208, and

"(E) such other cases as the Attorney General may provide by regulation.

An immigration judge may not hear or decide the case of an alien excluded from entry under section 235(b)(1).

"(4) In considering and deciding cases coming before them, immigration judges may administer oaths and receive evidence, shall determine all applications for discretionary relief which may properly be raised in the proceedings, and shall exercise such discretion conferred upon the Attorney

General by law as the Attorney General may specify for the just and equitable disposition of cases coming before such judges."

(2) The table of contents is amended by inserting immediately after the item relating to section 106 the following new item:

"Sec. 107. United States Immigration Board; use of immigration judges."

(3) Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

"(43) The term 'immigration judge' means such a judge appointed under section 107."

(4) Section 101(b) (8 U.S.C. 1101(b)) is amended by striking out paragraph (4) and redesignating paragraph (5) as paragraph (4).

(b) The first sentence of section 236(b) (8 U.S.C. 1226(b)) is amended by striking out "From a decision" and all that follows through "Attorney General" and inserting in lieu thereof the following: "Within fifteen days after the date of a decision of an immigration judge excluding or admitting an alien, the alien or the immigration officer in charge at the port where the hearing is held, respectively, may file an appeal of the decision with the United States Immigration Board in accordance with rules established by the Chairman of the Board."

(c) Section 242(b)(4) (8 U.S.C. 1252(b)(4)) is amended by striking out "reasonable, substantial, and probative" and inserting in lieu thereof "substantial".

(d) Section 242 (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

"(i) Except as otherwise provided in section 291, in any deportation proceeding under this Act the burden of proof shall be upon the Attorney General to establish deportability by a preponderance of the evidence."

JUDICIAL REVIEW

SEC. 123. (a) Subsection (a) of section 106 (8 U.S.C. 1105a) is amended—

(1)(A) in the matter before paragraph (1), by striking out "The procedure" and all that follows through "any prior Act" and inserting in lieu thereof the following: "Notwithstanding section 279 of this Act, section 1331 of title 28, United States Code, or any other provision of law (except as provided under subsection (b)), the procedures prescribed by and all the provisions of chapter 158 of title 28, United States Code, shall apply to, and shall be the sole and exclusive procedure for, the judicial review of all final orders of exclusion or deportation (including determinations respecting asylum encompassed within such orders and regardless of whether or not the alien is in custody and not including exclusions effected without a hearing pursuant to section 235(b)(1)(B)) made against aliens within (or seeking entry into) the United States";

(B) in paragraph (1), by striking out "not later than six months" and all that follows through "whichever is the later" and inserting in lieu thereof "by the alien involved or the Service not later than 45 days from the date of the final order";

(C) inserting ", in the case of review sought by an individual petitioner," in paragraph (2) after "in whole or in part, or";

(D) by inserting "in the case of review sought by an individual petitioner," in paragraph (3) after "(3)"; and

(E) by striking out "The Service" in paragraph (3) and inserting in lieu thereof "In case of judicial review of an order of deportation, the Service"; and

(F) by inserting "exclusion or" before "deportation" in paragraph (4);

(2) by striking out "Attorney General's findings of fact" in paragraphs (4) and (6) and inserting in lieu thereof "findings of fact in the order";

(3) by striking out "(4) except as provided in" in paragraph (4) and inserting in lieu thereof "(4)(A) except as provided in subparagraph (B) and in";

(4) by striking out "reasonable, substantial, and probative" in paragraph (4) and inserting in lieu thereof "substantial";

(5) by adding at the end of paragraph (4) the following new subparagraph:

"(B) to the extent that an order relates to a determination on an application for asylum, the court shall only have jurisdiction to review (i) whether the jurisdiction of the immigration judge or the United States Immigration Board was properly exercised, (ii) whether the asylum determination was made in accordance with applicable laws and regulations, (iii) the constitutionality of the laws and regulations pursuant to which the determination was made, and (iv) whether the decision was arbitrary or capricious;"

(6) in paragraph (7)—

(A) by inserting "or exclusion" after "deportation" each place it appears,

(B) by striking out "subsection (c) of section 242 of this Act" and inserting in lieu thereof "section 235(b) or 242(c)", and

(C) by striking out "a deportation order," and inserting in lieu thereof "an exclusion or deportation order"; and

(7) by striking out "; and" at the end of paragraph (8) and inserting in lieu thereof a period, and

(8) by striking out paragraph (9).

(b) Subsection (b) of such section is amended to read as follows:

"(b)(1) Nothing in this section shall be construed as limiting the right of habeas corpus under the Constitution of the United States.

"(2) Notwithstanding any other provision of law, no court of the United States shall have jurisdiction to review determinations of immigration judges or of the United States Immigration Board respecting the reopening or reconsideration of exclusion or deportation proceedings or asylum determinations outside of such proceedings, the reopening of an application for asylum because of changed circumstances, the Attorney General's denial of a stay of execution of an exclusion or deportation order, or the exclusion of an alien from the United States under section 235(b)(1)."

(c) Subsection (c) of such section is amended by striking out "deportation or of exclusion" and inserting in lieu thereof "an immigration judge".

(d) The section heading for section 106 is amended to read as follows:

"JUDICIAL REVIEW OF ORDERS OF DEPORTATION, EXCLUSION, AND ASYLUM"

(e) In the case of a final order of deportation entered before the date of the enactment of this Act, a petition for review with respect to that order may in no case be filed under section 106(a)(1) of the Immigration and Nationality Act later than the earlier of (1) forty-five days after the date of the enactment of this Act, or (2) of the date (if any) such petition was required to be filed under the law in existence before the date of the enactment of this Act.

(f) Section 279 (8 U.S.C. 1329) is amended—

(1) by striking out "The district courts" and inserting in lieu thereof "(a) Except as

otherwise provided under section 106, the district courts"; and

(2) by adding at the end thereof the following new subsection:

"(b) An action for judicial review of any administrative action arising under this Act, or regulations issued pursuant to this Act, other than a final order of exclusion or deportation as provided in section 106(a) of this Act, may not be filed later than thirty days after the date of the final administrative action or from the effective date of this section, whichever is later."

ASYLUM

Sec. 124. (a)(1) Subsection (a) of section 208 (8 U.S.C. 1158) is amended to read as follows:

"(a)(1)(A) Except as provided in subparagraph (B), any alien physically present in the United States or at a land border or port of entry may apply for asylum in accordance with this section.

"(B)(i) An alien against whom exclusion or deportation proceedings have been instituted may not file a notice of intention to apply for asylum more than fourteen days, nor perfect such application for asylum more than thirty-five days, after the date of the service of the notice instituting such proceedings unless the alien can make a clear showing, to the satisfaction of the immigration judge conducting the proceeding, that changed circumstances in the country of the alien's nationality (or, in the case of an alien having no nationality, the country of the alien's last habitual residence), between the date of notice instituting the proceeding and the date of application for asylum, have resulted in a change in the alien's eligibility for asylum.

"(ii) An alien who has previously applied for asylum and had such application denied may not again apply for asylum unless the alien can make a clear showing that changed circumstances in the country of the alien's nationality (or, in the case of the alien having no nationality, the country of the alien's last habitual residence), between the date of the previous denial of asylum and the date of the subsequent application for asylum, have resulted in a change in the alien's eligibility for asylum.

"(2) Applications for asylum shall be considered before immigration judges who are specially designated by the United States Immigration Board as having special training in international relations and international law. The Attorney General shall provide special training in international relations and international law for individuals who served as special inquiry officers before the date of enactment of the Immigration Reform and Control Act of 1983 in order to qualify such individuals to hear applications under this section.

"(3)(A)(i) Upon the filing of an application for asylum, the immigration judge, at the earliest practicable time and after consultation with the attorney for the Government and the applicant, shall set the application for hearing on a day certain or list it for trial on a weekly or other short-term hearing calendar, so as to assure a speedy hearing.

"(ii) The hearing on the asylum application shall commence on the earliest practicable date after the date the application has been filed. The holding of an asylum hearing shall not delay the holding of any exclusion or deportation proceeding.

"(iii) In the case of an alien who has filed an application for asylum and who has been continuously detained pursuant to section 235 or 242 since the date the application was

filed, if a hearing on the application is not held on a timely basis under clause (ii) or a decision on the application rendered on a timely basis under subparagraph (B), and if actions or inaction by the applicant have not resulted in unreasonable delay in the proceedings, the Attorney General shall provide for the release of the alien subject to such reasonable conditions as the Attorney General may establish to assure the presence of the alien at any appropriate proceedings, unless the Attorney General has reason to believe that the release of the alien would pose a danger to any other person or to the community, that the alien meets a condition described in one of the subparagraphs of section 243(h)(2), or that the alien is subject to temporary exclusion under section 235(c).

"(B) A hearing on the asylum application shall be closed to the public, unless the applicant requests that it be open to the public. To the extent practicable, the hearing shall be conducted in a nonadversarial, informal manner, except that the applicant is entitled to be assisted by counsel (in accordance with section 292), to present evidence, and to examine and cross-examine witnesses. A complete verbatim record of the proceedings and of all testimony and evidence produced at the hearing shall be kept. The determination of the immigration judge shall be based only on the evidence produced at the hearing. The immigration judge shall render a determination on the application not later than ninety days after the date of completion of the hearing.

"(C)(i) The Secretary of State shall on a continuing basis make available information on human rights in all countries to the Attorney General and to immigration judges who hear applications under this section. The immigration judges shall use such information, if available without delay to the proceedings, as general guidelines in making the asylum determination.

"(ii) The Attorney General shall provide notice to the Secretary of State whenever an application for asylum is filed under this section. The Secretary of State may submit comments to the immigration judge on such application, but the immigration judge shall not delay the proceeding in order to receive such comments.

"(D) Upon the filing of a notice of appeal the decision of an immigration judge to the United States Immigration Board under section 107(b), the Attorney General and the Board shall provide that a transcript of the hearing is made available as soon as practicable.

"(E) The Attorney General shall allocate sufficient resources so as to assure that applications for asylum are heard and determined on a timely basis under this paragraph.

"(4) The Attorney General may, in his discretion, grant an alien asylum only if the immigration judge determines that the alien (A) is a refugee within the meaning of section 101(a)(42)(A), and (B) does not meet a condition described in one of the subparagraphs of section 243(h)(2).

"(5) The burden of proof shall be upon the alien applying for asylum to establish the alien's eligibility for asylum.

"(6) After making a determination on an application for asylum under this section, an immigration judge may not reopen the proceeding at the request of the applicant except upon a clear showing that, since the date of such determination, changed circumstances in the country of the alien's nationality (or, in the case of an alien having

no nationality, the country of the alien's last habitual residence) have resulted in a change in the alien's eligibility for asylum."

(2) Subsection (b) of such section is amended by inserting "(1)" after "determines that the alien" and by inserting before the period at the end the following: ", or (2) meets a condition described in one of the subparagraphs of section 243(h)(2)".

(3) Such section is further amended by adding at the end the following new subsection:

"(d) The procedures set forth in this section shall be the sole and exclusive procedure for determining asylum."

(b) Section 243(h) (8 U.S.C. 1253(h)) is amended by adding at the end the following new paragraph:

"(3) An application for relief under this subsection shall be considered to be an application for asylum under section 208 and shall be considered in accordance with the procedures set forth in that section."

(c) Section 222(f) (8 U.S.C. 1202(f)) is redesignated as "Sec. 222. (f)(1)."

(d) Section 222(f) (8 U.S.C. 1202(f)) is amended by adding new subsections (f) (2) and (3) to read as follows:

"(2) The records or any document of the Department of Justice, the Department of State, or any other Government agency, or foreign government, pertaining to the issuance or denial of any application for asylum, refugee status, withholding of deportation under sections 207, 208, and 243(h) of this Act, or any other application arising under a claim of persecution on account of race, religion, political opinion, nationality, or membership in a particular social group, shall be confidential and exempt from disclosure and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States. In the discretion of the Attorney General or the Secretary of State, as the case may be, certified copies of such records may be made available to a court which certifies that the information contained in such records is needed by the court in the interests of the ends of justice in a case pending before the court.

"(3) The provisions of paragraph (2) of this section shall not be applicable to the person who is the subject of such application for asylum, refugee status, withholding of deportation, or any other application arising under a claim of persecution on account of race, religion, political opinion, nationality, or membership in a particular social group: *Provided, however,* That this subsection shall not limit the authority of any agency to withhold information pursuant to the Freedom of Information Act."

EFFECTIVE DATES AND TRANSITION

Sec. 125. (a)(1) Except as otherwise provided in this section, the amendments made by this part take effect on the date of the enactment of this Act.

(2)(A) Except as provided in subparagraph (B), the amendments made by this part (other than those made by sections 121(a), 123(a)(2), 123(a)(5), 123(a)(9), and 124(b)) shall not apply to—

(i) any exclusion or deportation proceeding (or administrative or judicial review thereof) which was initiated before the hearing transition date (designated under subsection (c)(1)(A)), or

(ii) to any application for asylum filed before the asylum transition date (designated under subsection (c)(1)(B)).

In the case of such proceedings and such applications initiated before such dates which continue after such dates, the United States Immigration Board shall provide that immigration judges may assume and perform such functions of special inquiry officers as may be appropriate and consistent with their duties as immigration judges.

(B) Paragraphs (1)(B), (3), (4), and (6) of section 208(a) and section 208(b) of the Immigration and Nationality Act (as amended by section 124(a) of this part) shall apply to applications for asylum made after the date of the enactment of this Act, except that—

(i) in the case of an alien against whom exclusion or deportation proceedings have been instituted as of the date of the enactment of this Act, the restriction of paragraph (1)(B)(i) of section 208(a) of the Immigration and Nationality Act (as so amended) shall apply to asylum applications made more than fourteen days after the date of the enactment of this Act (rather than the date of the service of the notice of such exclusion or deportation proceeding), and

(ii) references in the last sentence of paragraph (3) and in paragraph (6) of such section to an immigration judge shall be deemed (before the asylum transition date) to be a reference to a special inquiry officer conducting the asylum hearing.

(3) The amendments made by section 121(b) shall apply to deportation proceedings pending on or commenced after the date of the enactment of this Act.

(b)(1) The Attorney General shall appoint the Chairman and other members of the United States Immigration Board (hereafter in this section referred to as the "Board") not later than forty-five days after the date of the enactment of this Act.

(2) The Chairman, in consultation with the Attorney General, shall designate a date, not later than forty-five days after the Chairman and a majority of the members of the Board are appointed, on which the Board shall assume the present functions of the Board of Immigration Appeals (under existing rules and regulations).

(3)(A) The Chairman shall provide promptly for establishment of interim final rules of practice and procedure which will apply to the Board (when not acting as the Board of Immigration Appeals under paragraph (2)) and immigration judges under the Immigration and Nationality Act, after the hearing transition date or asylum transition date, designated under subsection (c)(1), as the case may be.

(B) Not later than sixty days after the date such interim final rules are established, the Attorney General shall appoint at least ten immigration judges who are qualified to be designated to hear asylum cases under section 208 of the Immigration and Nationality Act. The Board shall provide for such special training of these immigration judges as it deems appropriate.

(c)(1) In order to provide for the orderly transfer of proceedings from the existing special inquiry system to the immigration judge system, the Board, in consultation with the Attorney General, shall designate—

(A) a "hearing transition date", to be not later than forty-five days after the date interim final rules of practice and procedure are established under subsection (b)(3)(A), and

(B) an "asylum transition date", after the establishment of interim final rules of practice and procedure respecting applications for asylum and after the appointment and designation of immigration judges under subsection (b)(3)(B).

(2) During the period before the hearing transition date or the asylum transition date (in the case of asylum hearings), any proceeding or hearing under the Immigration and Nationality Act which may be conducted by a special inquiry officer may be conducted by an individual appointed and qualified as an immigration judge in accordance with all the rules and procedures otherwise applicable to a special inquiry officer's conduct of such proceeding or hearing.

(d) Individuals acting as special inquiry officers on the date of the enactment of this Act and on the hearing transition date may (without regard to other provisions of law) assume the duties of an acting immigration judge after such transition date during the period ending two years after the date of the enactment of this Act. If such individuals remain in such capacity through the end of such period and have not been appointed to the United States Immigration Board or as immigration judges, then they shall be deemed, for purposes of continuing employment in the Department of Justice, to have been employed by the Department as special inquiry officers during such period.

(e)(1) The enactment of this part shall not result in any loss of rights or powers, interruption of jurisdiction, or prejudice to matters pending in the Board of Immigration Appeals or before special inquiry officers on the day before this Act takes effect.

(2) Under rules established by the Chairman of the United States Immigration Board, with respect to exclusion and deportation cases pending as of the hearing transition date and applications for asylum pending as of the asylum transition date, the United States Immigration Board shall be deemed to be a continuation of the Board of Immigration Appeals and immigration judges shall be deemed to be a continuation of special inquiry officers for the purposes of effectuating the continuation of all existing powers, rights, and jurisdiction.

(f) The Attorney General shall provide that in the case of members of the Board of Immigration Appeals who—

(1) have served for a period of at least three years,

(2) are not appointed as members of the United States Immigration Board or as immigration judges, and

(3) continue to be employed by the Attorney General after the date the functions of the Board of Immigration Appeals are assumed by the United States Immigration Board,

there shall be no reduction in grade or compensation for one year after the date of termination of the individual's membership on the Board of Immigration Appeals.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 126. (a) The first sentence of section 234 (8 U.S.C. 1124) is amended by striking out "special inquiry officers" and inserting in lieu thereof "immigration judges".

(b)(1) Subsection (a) of section 235 (8 U.S.C. 1225) is amended—

(A) by striking out "special inquiry officers" in the first sentence and inserting in lieu thereof "immigration judges",

(B) by striking out "including special inquiry officers," in the fourth sentence and inserting in lieu thereof "and any immigration judge",

(C) by striking out "including special inquiry officers," in the sixth sentence,

(D) by striking out "and special inquiry officers" in the sixth sentence and inserting in lieu thereof "and immigration judges", and

(E) by striking out "special inquiry officer" each place it appears in the seventh sentence and inserting in lieu thereof "immigration judge".

(2) Subsection (b) of such section is amended by striking out "a special inquiry officer for further inquiry" in the second sentence and inserting in lieu thereof "an immigration judge for an exclusion hearing".

(3) Subsection (c) of such section is amended—

(A) by striking out "or to the special inquiry officer during the examination before either of such officers" in the first sentence and inserting in lieu thereof "during the examination or an immigration judge during an exclusion hearing",

(B) by striking out "no further inquiry by a special inquiry officer" in the first sentence and inserting in lieu thereof "no further examination or exclusion hearing",

(C) by striking out "inquiry or further inquiry" in the first sentence and inserting in lieu thereof "examination or hearing",

(D) by striking out "any inquiry or further inquiry by a special inquiry officer" in the second sentence and inserting in lieu thereof "any examination or hearing", and

(E) by striking out "an inquiry before a special inquiry officer" in the third sentence and inserting in lieu thereof "an exclusion hearing before an immigration judge".

(c)(1) Sections 106(a)(2), 236, and 242(b) (8 U.S.C. 1105a(a)(2), 1126, 1252(b)) are each amended by striking out "A" and "a" each place either appears before "special inquiry officer" and inserting in lieu thereof "An" and "an", respectively.

(d)(1) Sections 106(a)(2) and 236 (8 U.S.C. 1105a(a)(2), 1126) are each amended by striking out "special inquiry officer" and inserting in lieu thereof "immigration judge" each place it appears.

(2) Subsection (a) of section 236 (8 U.S.C. 1126) is amended—

(A) by amending the first sentence to read as follows: "An immigration judge shall conduct proceedings under this section.",

(B) by striking out "for further inquiry" in the second sentence and inserting in lieu thereof "for an exclusion hearing",

(C) by striking out "at the inquiry" in the third sentence and inserting in lieu thereof "at the hearing",

(D) by striking out the fourth sentence,

(E) by striking out "regulations as the Attorney General shall prescribe" in the fifth sentence and inserting in lieu thereof "rules as the Chairman of the United States Immigration Board shall establish",

(F) by striking out "inquiry" in the sixth sentence and inserting in lieu thereof "hearing", and

(G) by striking out "inquiry" in the seventh sentence and inserting in lieu thereof "hearing".

(3) Subsection (b) of such section is amended by striking out "Attorney General" in the first and fourth sentences and inserting in lieu thereof "United States Immigration Board" and by striking out the third sentence.

(4) Subsection (c) of such section is amended by striking out "to the Attorney General".

(e) Section 242(b) (8 U.S.C. 1252(b)) is amended—

(1) by striking out "special inquiry officer" each place it appears in the first, second, third, and seventh sentences and inserting in lieu thereof "immigration judge",

(2) by striking out "shall administer oaths" and all that follows through "Attorney General," in the first sentence,

(3) by striking out "Attorney General shall prescribe" in the second sentence and inserting in lieu thereof "Chairman of the United States Immigration Board shall establish",

(4) by striking out "In any case" and all that follows through "an additional immigration officer" in the fourth sentence and inserting in lieu thereof "An immigration officer" and by striking out "in such case such additional immigration officer" in that sentence,

(5) by striking out the fifth and sixth sentences,

(6) by striking out "such regulations" and all that follows through "shall prescribe" in the seventh sentence and inserting in lieu thereof "rules as are established by the Chairman of the United States Immigration Board",

(7) by striking out "Such regulations" in the eighth sentence and inserting in lieu thereof "Such rules", and

(8) by striking out "Attorney General shall be final" in the tenth sentence and inserting in lieu thereof "immigration judge shall be final unless reversed on appeal".

(f) The last sentence of section 273(d) (8 U.S.C. 1323(d)) is amended by striking out "special inquiry officers" and inserting in lieu thereof "immigration judges".

(g) Section 292 (8 U.S.C. 1362) is amended to read as follows:

"Sec. 292. In any proceeding or hearing before an immigration judge and in any appeal before the United States Immigration Board from any such proceeding, the person concerned shall have the privilege of being represented (at no expense to the Government and at no unreasonable delay) by such counsel, authorized to practice in such proceedings, as he shall choose."

(h) Section 360(c) (8 U.S.C. 1503(c)) is amended—

(1) by inserting "(and appeals thereof)" in the first sentence after the word "proceedings", and

(2) by striking out the second sentence.

(i) Any reference in section 203(h) of the Immigration and Nationality Act, as in effect before March 17, 1980, to a special inquiry officer shall be deemed to be a reference also to an immigration judge under section 101(a)(43) of such Act.

PART D—ADJUSTMENT OF STATUS

LIMITATIONS ON ADJUSTMENT OF NONIMMIGRANTS TO IMMIGRANT STATUS BY VISA ABUSERS

SEC. 131. (a) Section 245(c)(2) (8 U.S.C. 1255(c)(2)) is amended by striking out "hereafter continues in or accepts unauthorized employment prior to filing an application for adjustment of status" and inserting in lieu thereof "has failed to maintain continuously a legal status since entry into the United States".

(b) The amendment made by subsection (a) shall apply to applications for adjustment of status filed before, on, or after the date of the enactment of this Act.

PART E—DEPORTATION PROCEEDINGS

BURDEN OF PROOF

SEC. 141. Section 291 (8 U.S.C. 1361) is amended in the third sentence by inserting "to identify himself correctly by name and nationality and" after "such person".

TITLE II—REFORM OF LEGAL IMMIGRATION

PART A—IMMIGRANTS

NUMERICAL LIMITATIONS

SEC. 201. (a) Subsection (a) of section 201 (8 U.S.C. 1151) is amended to read as follows:

"(a) Exclusive of special immigrants defined in section 101(a)(27), immigrants born to permanent resident aliens during a temporary visit abroad, immediate relatives specified in subsection (b) of this section, immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative, aliens who are admitted or granted asylum under section 207 or 208, aliens provided records of permanent residence under section 214(d), and aliens whose status is adjusted to permanent resident status under section 245A, aliens born in a foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence are limited to—

"(1) family reunification immigrants described in section 203(a) and immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(a), in a number not to exceed in any fiscal year the number equal to (A) three hundred and fifty thousand, minus (B) the sum of (i) the number of immediate relatives specified in subsection (b) of this section who in the previous fiscal year were issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence, (ii) the number of immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative, (iii) the number of immigrants born to permanent resident aliens during a temporary visit abroad, and (iv) the number of aliens who in the previous fiscal year were provided records of permanent residence under section 214(d), plus (C) the difference (if any) between the maximum number of visas which may be issued under paragraph (2) during the prior fiscal year and the number of visas issued under that paragraph during that year, and not to exceed in any of the first three quarters of any fiscal year 27 per centum of the numerical limitation for all of such fiscal year, and

"(2) independent immigrants described in section 203(b) and immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(b), in a number not to exceed in any fiscal year the number equal to (A) seventy-five thousand, minus (B) the number of special immigrants (other than those described in section 101(a)(27)(A)) who in the previous fiscal year were issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence, plus (C) the difference (if any) between the maximum number of visas which may be issued under paragraph (1) during the prior fiscal year and the number of visas issued under that paragraph during that year, and not to exceed in any of the first three quarters of any fiscal year 27 per centum of the numerical limitation for all of such fiscal year."

(b) Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) by striking out "(a) No person" and inserting in lieu thereof "(a)(1) Except as specifically provided in paragraph (2) of this

subsection and in section 101(a)(27), 201(b), 203, and 214(d), no person",

(2) by striking out "except as specifically" and all that follows up to the period at the end, and

(3) by adding at the end the following new paragraph:

"(2)(A) Except as provided in subparagraph (B), the total number of natives of any single foreign state who are issued immigrant visas or may otherwise acquire the status of an alien lawfully admitted for permanent residence under subsections (a) and (b) of section 203 or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under subsection (a) or (b) of section 203 shall not exceed in any fiscal year—

"(i) twenty thousand, in the case of any foreign state other than a foreign state contiguous to the United States, or

"(ii) forty thousand (or the number determined under subparagraph (C)), in the case of any foreign state contiguous to the United States.

"(B) If in a fiscal year the total number of immediate relatives specified in section 201(b), immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative, aliens provided records of permanent residence under section 214(d), and special immigrants defined in section 101(a)(27) (other than those described in subparagraph (A) thereof) who were issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence who are natives of a particular foreign state exceeded twenty thousand, then the numerical limitation applicable to that state in the following fiscal year under subparagraph (A) shall be reduced by the amount of such excess.

"(C) If in any fiscal year the number of aliens chargeable to a contiguous foreign state who are issued immigrant visas or otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence is less than forty thousand, then in the following fiscal year the number to be used in clause (ii) of subparagraph (A) for the other contiguous foreign state shall be forty thousand plus the amount of the difference."

PREFERENCE AND NONPREFERENCE ALLOCATION SYSTEMS

SEC. 202. (a)(1) Section 203 (8 U.S.C. 1153) is amended—

(A) by redesignating subsections (b) through (e) as subsections (e) through (h), respectively, and

(B) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) PREFERENCE ALLOCATION FOR FAMILY REUNIFICATION IMMIGRANTS.—Aliens subject to the numerical limitation specified in section 201(a)(1) for family reunification immigrants shall be allotted visas as follows:

"(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed 15 per centum of such numerical limitation, plus any visas not required for the class specified in paragraph (4).

"(2) SPOUSES AND CHILDREN OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence or who (A) as of May 27, 1982, had received approval of a petition made on their behalf for

preference status by reason of the relationship described in this paragraph as in effect on such date, and (B) continue to qualify under the terms of the Act as in effect on such date shall be allocated visas in a number not to exceed 65 per centum of such numerical limitation, plus any visas not required for the class specified in paragraph (1).

"(3) **MARRIED SONS AND DAUGHTERS OF CITIZENS.**—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed 10 per centum of such numerical limitation, plus any visas not required for the classes specified in paragraphs (1) and (2).

"(4) **UNMARRIED BROTHERS AND SISTERS OF CITIZENS AND PREVIOUS FIFTH PREFERENCE.**—

"(A) qualified immigrants who are the unmarried brothers or sisters of citizens of the United States, if such citizens are at least twenty-one years of age, and

"(B) qualified immigrants who (i) as of the date of enactment of the Immigration Reform and Control Act of 1983 had received approval of a petition made on their behalf for preference status by reason of the relationship described in paragraph (5) of section 203(a) of this Act as in effect on the day before such date, and (ii) continue to qualify under the terms of this Act as in effect on the day before such date,

shall be allocated visas in a number not to exceed 10 per centum of such numerical limitation, plus any visas not required for the classes specified in paragraphs (1) through (3)."

"(b) **PREFERENCE AND NONPREFERENCE ALLOCATION FOR INDEPENDENT IMMIGRANTS.**—Aliens subject to the numerical limitation specified in section 201(a)(2) for independent immigrants shall be allocated visas as follows:

"(1) **ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING DOCTORAL DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.**—Qualified immigrants who are members of the professions holding doctoral degrees (or the equivalent degree) or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States, shall be allocated visas. The Attorney General may, when he deems it to be in the national interest, waive the requirement of the preceding sentence that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States. In determining under this paragraph whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

"(2) **SKILLED WORKERS.**—Qualified immigrants who are capable of performing skilled labor, not of a temporary or seasonal nature, for which qualified workers are not available in the United States, shall be allocated any visas not required for the classes specified in paragraph (1).

"(3) **NONPREFERENCE ALIENS.**—Visas authorized in any fiscal year under section 201(a)(2), less those required for issuance to the classes specified in paragraphs (1) and (2), shall be made available to other quali-

fied immigrants in the chronological order in which they qualify. No immigrant visa shall be issued under this paragraph to an adopted child or prospective adopted child of a United States citizen or lawfully resident alien unless (A) a valid home study has been favorably recommended by an agency of the State of the child's proposed residence, or by an agency authorized by that State to conduct such a study, or, in the case of a child adopted abroad, by an appropriate public or private adoption agency which is licensed in the United States, and (B) the child has been irrevocably released for immigration and adoption. No natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act. No immigrant visa shall otherwise be issued under this paragraph to an unmarried child under the age of sixteen except a child who is accompanying or following to join his natural parent.

An immigrant visa shall not be issued to an immigrant under paragraph (1), (2), or (3) until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14). The provisions of sections 212(d)(11) shall apply with respect to any alien petitioning to be classified as a preference immigrant under paragraph (1).

"(c) **GUIDE FOR ALLOCATION BETWEEN PREFERENCE SYSTEMS.**—Where it is determined that the maximum number of visas will be made available under section 202(a)(2) to natives of any single foreign state (defined in section 202(b)) or any dependent area (defined in section 202(c)) in any fiscal year, in determining whether to provide for visas to such natives under the preference system described in subsection (a) or that described in subsection (b), visa numbers with respect to natives of that state shall be allocated (to the extent practicable and otherwise consistent with this section) in a manner so that the ratio of—

"(1) the sum of (A) the number of family reunification immigrants described in subsection (a), and (B) the number of immediate relatives specified in section 201(b), immigrants born to permanent residents during a temporary visit abroad, immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative or under section 203(a), and aliens provided records of permanent residence under section 214(d), who are natives of such state and who are issued immigrant visas or otherwise acquire the status of aliens lawfully admitted to the United States for permanent residence in that fiscal year, to

"(2) the sum of (A) the number of independent immigrants described in subsection (b), and (B) the number of special immigrants defined in section 101(a)(27) (other than those described in subparagraph (A) thereof) and immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(b), who are natives of such state and who are issued immigrant visas or otherwise acquire the status of aliens lawfully admitted to the United States for permanent residence in that fiscal year,

is equal to 4.65 to 1.

"(d)(1) A spouse or child as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a) or

(b), be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join, his spouse or parent.

"(2) Waiting lists of applicants for visas under this section shall be maintained in accordance with regulations prescribed by the Secretary of State."

(2) Subsection (e) of such section, as so redesignated, is amended—

(A) by inserting "or under subsection (b)" after "subsection (a)" the first place it appears, and

(B) by striking out "subsection (a)" the second place it appears and inserting in lieu thereof "the respective subsection".

(b) Section 202 (8 U.S.C. 1152) is amended by striking out subsection (e), section 204 (8 U.S.C. 1154) is amended by striking out subsection (f), and section 245(b) (8 U.S.C. 1255(b)) is amended by striking out "202(e) or".

(c)(1)(A) Subsection (f) of section 203 (8 U.S.C. 1153), as redesignated by subsection (a)(1), is amended by striking out "paragraphs (1) through (6) of subsection (a)" and inserting in lieu thereof "subsection (a) or pursuant to paragraphs (1) through (3) of subsection (b)".

(B) Subsection (g) of such section, as so redesignated, is amended by striking out "paragraphs (1) through (6) of subsection (a)" and inserting in lieu thereof "subsection (a) or paragraphs (1) through (3) of subsection (b)" each place it appears.

(2)(A) Subsection (a) of section 204 (8 U.S.C. 1154) is amended—

(i) by striking out "paragraph (1), (4), or (5) of section 203(a)" and inserting in lieu thereof "paragraph (1), (3), or (4) of section 203(a)",

(ii) by striking out "section 203(a)(3)" and inserting in lieu thereof "paragraph (1), of section 203(b)", and

(iii) by striking out "203(a)(6)" and inserting in lieu thereof "203(b)(2) or 203(b)(3)".

(B) Subsection (b) of such section is amended by striking out "section 203(a) (3) or (6)" and inserting in lieu thereof "paragraph (1), (2), or (3) of section 203(b)".

(d) Section 241(a)(9) (8 U.S.C. 1251(a)(9)) is amended—

(1) by inserting "(A)" after "(9)", and

(2) by striking out the semicolon at the end thereof and inserting in lieu thereof ", or", and

(3) by adding at the end thereof the following new subparagraph:

"(B) was admitted as an independent immigrant by the end of the one-year period following the date of entry failed to invest substantial capital in an enterprise in the United States as required in such paragraph or, having made such investment, has failed without good cause to maintain such an investment for a period of at least one year after the date of such entry or after the date such substantial investment was made, whichever date was later;"

LABOR CERTIFICATION

Sec. 203. (a) Paragraph (14) of section 212(a) (8 U.S.C. 1182(a)) is amended by striking out "(A)" and all that follows through the end and inserting in lieu thereof the following: "(A) there are not sufficient qualified workers (or equally qualified workers in the case of aliens (i) who are members of the teaching profession or who have exceptional ability in the sciences or arts) available in the United States in the occupations in which the aliens will be employed; (B) sufficient workers in the United States could not within a reasonable period

of time be trained for such occupations by (or through funds provided by) potential employers; and (C) the employment of aliens in such occupations will not adversely affect the wages and working conditions of workers in the United States who are similarly employed. In making such determinations the Secretary of Labor may use labor market information without reference to the specific job opportunity for which certification is requested. An alien on behalf of whom a certification is sought must have an offer of employment from an employer in the United States. The exclusion of aliens under this paragraph shall only apply to preference immigrants described in section 203(b)(1) and (2) and to nonpreference immigrants described in section 203(b)(3). Decisions of the Secretary of Labor made pursuant to this paragraph, including the issuance and content of regulations and the use of labor market information under this paragraph, shall be reviewable by an appropriate district court of the United States, but the court shall not set aside such a decision unless there is compelling evidence that the Secretary made such decision in an arbitrary and capricious manner."

(b) Section 212(d) (8 U.S.C. 1181(d)) is amended by adding at the end the following new paragraph:

"(11) The requirement in paragraph (14) of subsection (a) relating to an offer of employment from an employer in the United States may be waived with respect to any alien seeking to enter the United States as an immigrant under section 203(b)(1), if the Attorney General deems it to be in the national interest."

G-4 SPECIAL IMMIGRANTS

Sec. 204. (a) Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by striking out "or" at the end of subparagraph (G), by striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; or", and by adding at the end of the following new subparagraph:

"(I)(i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States within seven years of the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and twenty-one years, and (II) applies for admission under this subparagraph no later than his twenty-fifth birthday or six months after the date this subparagraph is enacted, whichever is later;

"(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States within seven years of the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least fifteen years prior to the death of such officer or employee, and (II) applies for admission under this subparagraph no later than six months after the date of such death or six months after the date this subparagraph is enacted, whichever is later;

"(iii) an immigrant who is a retired officer or employee of such an international orga-

nization, and (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States within seven years of the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least fifteen years prior to the officer or employee's retirement from any such international organization, and (II) applies for admission under this subparagraph (i) on or before December 31, 1992 and (ii) no later than six months after the date of such retirement or six months after the date this subparagraph is enacted, whichever is later; or

"(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family."

(b) Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended by striking out "or" at the end of subparagraph (L), by striking out the period at the end of subparagraph (M) and inserting in lieu thereof "; or", and by adding at the end the following new paragraph:

"(N)(i) the parent of an alien accorded the status of special immigrant under paragraph (27)(I)(i), but only if and while the alien is a child, or

"(ii) a child of such parent or of an alien accorded the status of a special immigrant under paragraph (27)(I)(i), (ii), or (iv)."

EFFECTIVE DATES AND TRANSITION

Sec. 205. (a) The amendments made by sections 201, 202, and 203 shall apply to the admission of aliens to the United States on and after October 1, 1984. The amendments made by section 204 shall take effect on the date of the enactment of this Act.

(b)(1) In the case of a petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1984, such petition shall be deemed, as of such date, to be a petition for the new corresponding preference or nonpreference status (as defined in paragraph (2)), and the priority date for such petition shall remain in effect.

(2) For purposes of paragraph (1), the term "new corresponding preference or nonpreference status" means, in the case of a petition for a—

(A) preference status described in section 203(a)(1) of the Immigration and Nationality Act (as in effect on September 30, 1984), the preference status described in such section as in effect after such date;

(B) preference status described in section 203(a)(2) of such Act (as in effect on September 30, 1984), the preference status described in such section as in effect after such date;

(C) preference status described in section 203(a)(3) of such Act (as in effect on September 30, 1984), the preference status described in both paragraphs (1) and (2) of section 203(b) of such Act as in effect after such date;

(D) preference status described in section 203(a)(4) of such Act (as in effect on September 30, 1984), the preference status described in section 203(a)(3) of such Act as in effect after such date;

(E) preference status described in section 203(a)(5) of such Act (as in effect on September 30, 1984), the preference status described in section 203(a)(4) of such Act as in effect after such date;

(F) preference status described in section 203(a)(6) of such Act (as in effect on September 30, 1984), the preference status de-

scribed in section 203(b)(2), in the case of skilled labor, or the nonpreference status described in section 203(b)(3), in the case of unskilled labor, of such Act as in effect after such date; and

(G) nonpreference status described in section 203(a)(7) of such Act (as in effect on September 30, 1984), the preference statuses described in paragraph (3) of section 203(b) of such Act (as in effect after such date) in the case of investors or the nonpreference described in section 203(b)(3) of such Act (as in effect after such date) in the case of non-investors.

(c) When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1984, makes application for admission, his admissibility under paragraphs (20) and (21) of section 212(a) shall be determined under the provisions of law in effect on the date of the issuance of such visa.

PART B—NONIMMIGRANTS

H-2 WORKERS

Sec. 211. (a) Paragraph (15)(H) of section 101(a) (8 U.S.C. 1101(a)) is amended by striking out "to perform temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in this country" in clause (ii) and inserting in lieu thereof "(a) to perform agricultural labor or services, as defined by the Secretary of Labor in regulations, of a temporary or seasonal nature, or (b) to perform other temporary services or labor".

(b) Section 214 (8 U.S.C. 1184) is amended—

(1) by adding at the end of subsection (a) the following new sentences: "An alien may not be admitted to the United States as a nonimmigrant under section 101(a)(15)(H)(ii)(a) for an aggregate period of more than eight months in any calendar year, except in the case of agricultural labor or services which the Secretary of Labor, before the date of the enactment of the Immigration Reform and Control Act of 1983, has recognized require a longer period, which may exceed one year. An alien who was admitted to the United States as a nonimmigrant under section 101(a)(15)(H)(ii) during the preceding five-year period may not be admitted under that provision if the alien violated the terms of any such previous admission. The Attorney General shall provide for such procedures for the entry and exit of nonimmigrants described in section 101(a)(15)(H)(ii) as may be necessary to carry out this section."

(2) by inserting "(1)" after "(c)" in subsection (c).

(3) by adding at the end of subsection (c) the following new paragraphs:

"(2)(A) A petition to import an alien as a nonimmigrant under section 101(a)(15)(H)(ii) may not be approved by the Attorney General unless the petitioner has applied to the Secretary of Labor for a certification that—

"(i) there are not sufficient workers who are able, willing, qualified, and who will be available at the time and at the place needed to perform the labor or services involved in the petition, and

"(ii) the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States who are similarly employed.

The Secretary of Labor may require by regulation, as a condition of issuing the certification, the payment of a fee to recover the reasonable costs of processing applications for certification.

"(B) The Secretary of Labor may not issue a certification under subparagraph (A) if—

"(i) there is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification; or

"(ii) the employer, during the previous two years, employed nonimmigrant aliens admitted to the United States under section 101(a)(15)(H)(ii) and the Secretary of Labor has determined, after notice and opportunity for a hearing, that the employer during that period substantially violated an essential term or condition of the labor certification with respect to the employment of domestic or nonimmigrant workers or has not paid a penalty (or penalties) for such violations which may be assessed by the Secretary of Labor, except that no employer may be denied certification for more than one year for any such violation.

"(3)(A) In the case of an application for a labor certification under section 101(a)(15)(H)(ii)(a)—

"(i) the Secretary of Labor may not require that such an application for labor certification be filed more than eighty days before the first date the employer requires the labor or services of the alien;

"(ii) such application shall be considered to have met the requirements of paragraph (2) unless the Secretary of Labor, within seven days of the filing of such application, notifies the employer filing such application whether such application meets such requirements and, if not, states the reasons therefor and provides an opportunity for the prompt resubmission of a modified application;

"(iii) the Secretary of Labor shall make, not less than twenty days before the date such labor or services are first required to be performed, the certification described in paragraphs (2)(A) (i) and (ii) if an employer has complied with the criteria for certification, including the recruitment of eligible individuals as prescribed by the Secretary, and the employer does not actually have, or has not been provided with referrals of, qualified eligible individuals who have agreed to perform such labor or services on the terms and conditions of a job offer which meets the requirements of the Secretary and who are otherwise available, except that the terms of such labor certification shall remain effective only if the employer continues to accept for employment, until the date the aliens depart for work with the employer, qualified eligible individuals who apply to the employer or are referred to the employer; and

"(iv) the petition, or the application for a certification, may be filed by an association representing agricultural producers who use agricultural labor or services. The filing of such a petition or application on a member's behalf does not relieve the member of any liability for representations made in such petition or application unless the association is the sole employer of all alien agricultural labor or services, in which case only the association shall be liable for representations made in such petition or application.

"(B) The Secretary of Labor shall provide for an expedited procedure for the review of a denial of certification under paragraph (2) in the case of a nonimmigrant described in section 101(a)(15)(H)(ii)(a), or at the applicant's request, a de novo administrative hearing.

"(C) The Secretary of Labor shall expeditiously make a new determination on the request for certification in the case of a nonimmigrant described in section 101(a)(15)(H)(ii)(a) if qualified eligible indi-

viduals are not actually available at the time such labor or services are required and a certification was denied in whole or in part because of the availability of qualified eligible individuals. If the employer asserts that any eligible individuals who have been referred are not qualified, the burden of proof is on the employer to establish that the individuals referred are not qualified because of employment-related reasons.

"(D) For purposes of this paragraph, the term 'eligible individual' means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A(a)(4)) with respect to that employment.

"(4) The Secretary of Labor, in consultation with the Attorney General and the Secretary of Agriculture, shall annually report to the Congress on the certifications provided under this subsection, the impact of aliens admitted pursuant to such certifications on labor conditions in the United States, and on compliance of employers and nonimmigrants with the terms and conditions of such nonimmigrants' admission to the United States.

"(5) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1984, \$10,000,000 for the purposes (A) of recruiting domestic workers for temporary labor and services which might otherwise be performed by nonimmigrants described in section 101(a)(15)(H)(ii), and (B) of monitoring terms and conditions under which such nonimmigrants (and domestic workers employed by the same employers) are employed in the United States. The Secretary of Labor is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this subsection.", and

(4) by adding at the end the following new subsection:

"(e) The provisions of subsections (a) and (c) of this section preempt any State or local law regulating admissibility of nonimmigrant workers."

(c) The amendments made by this section apply to petitions and applications filed under section 214(c) of the Immigration and Nationality Act on or after the first day of the sixth month beginning after the date of the enactment of this Act.

(d) The Attorney General in consultation with the Secretary of Labor and, in connection with agricultural labor or services, the Secretary of Agriculture, shall approve all regulations to be issued implementing the amendments made by this section. Notwithstanding any other provision of law, final regulations implementing the amendments made by this section shall be issued, on an interim or other basis, not later than the first day of the sixth month beginning after the date of the enactment of this Act.

STUDENTS

SEC. 212. (a) Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by inserting "(1)" after "No person",

(2) by inserting after "training," the following: "or (2) admitted under section 101(a)(15) (F) or (M) or acquiring such status after admission," and

(3) by striking out "clause (iii)" in the second proviso and inserting in lieu thereof "clause (1)(iii) or clause (2)", and

(4) by striking out the period and inserting in lieu thereof the following: "And provided further, That the Attorney General

may, if he determines it to be in the public interest, waive such two-year foreign residence requirement—

"(A) in the case of an alien admitted on or before September 30, 1989, under section 101(a)(15)(F), (i) who is applying for a visa as an immigrant described in section 202(b)(1) and who has obtained his degree from a college or university in the United States, and who has been offered a position as a faculty member or academic researcher in the field in which he obtained his degree by a United States college or university, or (ii) who has obtained a degree in a natural science, mathematics, computer science, or an engineering field from a college or university in the United States, who is applying for a visa as an immigrant described in section 202(b)(1) or (2), and who has been offered a research, business, or technical position by a United States employer in the field in which he obtained such degree, or (iii) who has obtained an advanced degree in business or economics from a college or university in the United States, who has exceptional ability in business or economics, who is applying for a visa as an immigrant described in section 202(b)(1) or (2), and who has been offered a research, business or technical position by a United States employer which is in the field in which he obtained such degree and which requires such exceptional ability, or

"(B) in the case of an alien admitted under section 101(a)(15)(F) who has obtained a degree in a natural science, computer science, or in a field of engineering or business, who is applying for a visa as a nonimmigrant described in section 101(a)(15)(H)(iii), and who will receive no more than four years of training by a United States firm, corporation, or other legal entity, which training will enable such alien to return to the country of his nationality or last residence and be employed there as a manager by the same firm, corporation, or other legal entity, or a branch, subsidiary, or affiliate thereof.

Thirty days after the end of each fiscal year, the Attorney General shall prepare and transmit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report setting forth the number of aliens who applied for, and the number of aliens who were granted, waivers of the two-year foreign residence requirement pursuant to subclause (A) of the preceding proviso during the preceding fiscal year. The Attorney General and the Secretary of State jointly shall conduct a study on the impact of the waivers made pursuant to subclause (A) of the preceding proviso on the professional or technical labor requirements of foreign countries and jointly shall prepare and transmit not later than the close of the fiscal year 1986 to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report setting forth the findings of such study."

(b) Section 245(c) (8 U.S.C. 1255(c)) is amended by striking out "or" before "(3)" and by inserting before the period at the end the following: "or (4) an alien (other than an immediate relative specified in section 201(b) or an alien who has received a waiver of the two-year foreign residence requirement of section 212(e) who entered the United States classified as a nonimmigrant under subparagraph (F) or (M) of section 101(a)(15) or who was admitted as a nonim-

migrant visitor without a visa under section 212(l)."

(c)(1) The amendments made by subsection (a) apply to aliens admitted to the United States after the date of the enactment of this Act.

(2) The amendments made by subsection (b) apply to aliens without regard to the date the aliens enter the United States, except that such amendments shall not apply to aliens who as of the date of the enactment of this Act meet the qualifications for a waiver of the two-year foreign residence requirement under paragraph (A) of section 212(e) of the Immigration and Nationality Act (as amended by section (a) of this section).

VISA WAIVER FOR CERTAIN VISITORS

SEC. 213. (a) Section 212 (8 U.S.C. 1182) is amended by adding at the end thereof the following new subsection:

"(1)(1) The Attorney General and the Secretary of State are authorized to establish a pilot program (hereafter in this subsection referred to as the 'program') under which the requirement of paragraph (26)(B) of subsection (a) may be waived by the Attorney General and the Secretary of State, acting jointly and in accordance with this subsection, in the case of an alien who—

"(A) is applying for admission during the pilot program period (as defined in paragraph (5)) as a nonimmigrant visitor (described in section 101(a)(15)(B)) for a period not exceeding ninety days;

"(B) is a national of a country which—

"(i) extends (or agrees to extend) reciprocal privileges to citizens and nationals of the United States, and

"(ii) is designated as a pilot country under paragraph (3);

"(C) before such admission completes such immigration form as the Attorney General shall establish under paragraph (2)(C) and executes a waiver of review and appeal described in paragraph (2)(D);

"(D) has a round-trip, nonrefundable, nontransferable, open-dated transportation ticket which—

"(i) is issued by a carrier which has entered into an agreement described in paragraph (4), and

"(ii) guarantees transport of the alien out of the United States at the end of the alien's visit; and

"(E) has been determined not to represent a threat to the welfare, health, safety, or security of the United States;

except that no such alien may be admitted without a visa pursuant to this subsection if the alien failed to comply with the conditions of any previous admission as a nonimmigrant.

"(2)(A) The program may not be put into operation until the end of the thirty-day period beginning on the date that the Attorney General submits to the Congress a certification that the screening and monitoring system described in subparagraph (B) is operational and that the form described in subparagraph (C) has been produced.

"(B) The Attorney General in cooperation with the Secretary of State shall develop and establish an automated data arrival and departure control system to screen and monitor the arrival into and departure from the United States of nonimmigrant visitors receiving a visa waiver under the program.

"(C) The Attorney General shall develop a form for use under the program. Such form shall be consistent and compatible with the control system developed under subparagraph (B). Such form shall provide for, among other items—

"(i) a summary description of the conditions for excluding nonimmigrant visitors from the United States under subsection (a) and this subsection,

"(ii) a description of the conditions of entry with a waiver under this subsection, including the limitation of such entry to ninety days and the consequences of failure to abide by such conditions, and

"(iii) questions for the alien to answer concerning any previous denial of the alien's application for a visa.

"(D) An alien may not be provided a waiver under this subsection unless the alien has waived any right (i) to review or appeal under the Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States or (ii) to contest, other than on the basis of an application for asylum, any action for deportation against the alien.

"(3)(A) The Attorney General and the Secretary of State acting jointly may designate up to eight countries as pilot countries for purposes of this subsection.

"(B) For the period beginning after the thirty-day period described in paragraph (2)(A) and ending on the last day of the first fiscal year which begins after such thirty-day period, a country may not be designated as a pilot country unless—

"(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 per centum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and

"(ii) the average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 per centum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(C) For each fiscal year (within the pilot program period) after the period specified in subparagraph (B)—

"(i) in the case of a country which was a pilot country in the previous fiscal year, a country may not be designated as a pilot country unless the sum of—

"(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(II) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2 per centum of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year, or

"(ii) in the case of another country, the country may not be designated as a pilot country unless—

"(I) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2 per centum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and

"(II) the average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 per centum of the total number of nonimmi-

grant visitor visas for nationals of that country which were granted or refused during that year.

"(4) The agreement referred to in paragraph (1)(D)(i) is an agreement between a carrier and the Attorney General under which the carrier agrees, in consideration of the waiver of the visa requirement with respect to a nonimmigrant visitor under this subsection—

"(A) to indemnify the United States against any costs for the transportation of the alien from the United States if the visitor is refused admission to the United States or remains in the United States unlawfully after the ninety-day period described in paragraph (1)(A)(i), and

"(B) to submit daily to immigration officers any immigration forms received with respect to nonimmigrant visitors provided a waiver under this subsection.

The Attorney General may terminate such an agreement with five days' notice to the carrier for the carrier's failure to meet the terms of such agreement.

"(5) For purposes of this subsection, the term 'pilot program period' means the period beginning at the end of the thirty-day period referred to in paragraph (2)(A) and ending on the last day of the third fiscal year which begins after such thirty-day period."

(b) Section 214(a) (8 U.S.C. 1184(a)) is amended by adding at the end the following new sentence: "No alien admitted to the United States without a visa pursuant to section 212(l) may be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding ninety days from the date of admission."

(c) Section 248 (8 U.S.C. 1258) is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and" and by adding at the end thereof the following new paragraph:

"(4) an alien admitted as a nonimmigrant visitor without a visa under section 212(l)."

AGRICULTURAL LABOR TRANSITION PROGRAM

SEC. 214. (a) The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall promulgate rules and regulations for the implementation of an agricultural labor transition program. The program shall be effective on the first day of the sixth month beginning after the date of enactment of this Act and shall last three years from the effective date.

(b) During the first year of the transition program, an agricultural employer, except as provided in (c), (d), and (e) below, may, as provided by regulation, employ up to 100 per centum of his seasonal agricultural worker need with transitional workers. During the second and third years of the program, the employer may employ up to 67 per centum and 33 per centum respectively, of his seasonal agricultural worker needs with transitional workers.

(c) Nothing in this section shall permit transitional workers to replace available United States workers or legal foreign workers admitted under the Immigration and Nationality Act.

(d) All workers employed under the provisions of this section shall be fully protected by all Federal and State laws and regulations governing the employment of United States migrant and seasonal agricultural workers.

(e)(1) An undocumented alien in the United States shall be eligible to be a transi-

tional worker under the provisions of this section if the person is employed or has been employed as a seasonal agricultural worker in the United States for at least ninety days during a period of time after January 1, 1980.

(2) An undocumented worker shall not be eligible to be a transitional worker and may not be registered under this section if the person is deportable for any reason other than those described in section 241(a) (2) and (9), or on the basis, under section 241(a)(1), of being excludable at the time of entry under paragraph (19), (20), or (26) of section 212(a). Only persons employed as transitional workers and registered as such by the Attorney General during the first year of the program shall be eligible during the second and third years.

(f) To employ transitional workers under the provisions of this section, an agricultural employer must—

(1) notify the Attorney General of said, employer's intention to participate in the transition program within twelve months from the effective date of this Act section, and

(2) provide to the satisfaction of the Attorney General a numerical count of the numbers of seasonal agricultural workers employed during the immediately preceding twelve month period by said employer.

(g) After an employer begins participation in the agricultural labor transition program the employer shall provide, upon request, to the Attorney General a numerical count of the number of transitional workers employed and the total number of seasonal agricultural workers employed by said employer.

(h) Any eligible employer under the transition program who employs nonimmigrant alien agricultural workers under the provisions of section 101(a)(15)(H)(ii)(a) shall provide wages and working conditions as required by section 214(c)(2)(A)(ii) to all similarly employed workers of that employer.

(i) Agreement by an alien to be a transitional worker would not preclude that alien from eligibility under the legislation provisions of title III.

(j) The Attorney General may require by regulation, as a condition of participation by an employer in the transition program, the payment of a fee to recover the reasonable costs of processing registrations under the transition program.

TITLE III—LEGALIZATION

LEGALIZATION

Sec. 301. (a) Chapter 5 of title II is amended by inserting after section 245 (8 U.S.C. 1255) the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN ENTRANTS BEFORE JANUARY 1, 1980, TO THAT OF PERSON ADMITTED FOR TEMPORARY OR PERMANENT RESIDENCE

"Sec. 245A. (a) The Attorney General may, in his discretion and under such regulations as he shall prescribe, adjust the status of an alien to that of an alien lawfully admitted for permanent residence if—

"(1) the alien applies for such adjustment during the twelve-month period beginning on a date 90 days after the date of enactment of this section, or, in the case of an alien who is the subject of an order to show cause issued under section 242, not later than 30 days after the date of issuance of such order,

"(2)(A) the alien (other than an alien who entered as a nonimmigrant) establishes that he entered the United States prior to January 1, 1977, and has resided continuously in

the United States in an unlawful status from January 1, 1977, through the date of enactment of the Immigration Reform and Control Act of 1983, or

"(B) the alien entered the United States as a nonimmigrant before January 1, 1977, the alien's period of authorized stay as a nonimmigrant expired before January 1, 1977, through the passage of time or the alien's unlawful status was known to the Government as of January 1, 1977, and the alien has resided continuously in the United States in an unlawful status from January 1, 1977, through the date of enactment of the Immigration Reform and Control Act of 1983, and

"(C) if the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof;

"(3) the alien was physically present in the United States since the date of enactment of the Immigration Reform and Control Act of 1983; and

"(4) the alien—

"(A) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(2),

"(B) has not been convicted of any felony or of three or more misdemeanors committed in the United States, and

"(C) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(b)(1) The Attorney General may, in his discretion and under such regulations as he shall prescribe, adjust the status of an alien to that of an alien lawfully admitted for temporary residence if—

"(A) the alien applies for such adjustment during the twelve-month period beginning on a date 90 days after the date of enactment of this section, or, in the case of an alien who is the subject of an order to show cause issued under section 242, not later than 30 days after the date of issuance of such order;

"(B)(i) the alien (other than an alien who entered as a nonimmigrant) establishes that he entered the United States prior to January 1, 1980, and has resided continuously in the United States in an unlawful status from January 1, 1980, through the date of enactment of the Immigration Reform and Control Act of 1983; or

"(II) the alien entered the United States as a nonimmigrant before January 1, 1980, the alien's period of authorized stay as a nonimmigrant expired before January 1, 1980, through the passage of time or the alien's unlawful status was known to the Government as of January 1, 1980, and the alien has resided continuously in the United States in an unlawful status from January 1, 1980, through the date of enactment of the Immigration Reform and Control Act of 1983; and

"(III) if the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof; or

"(ii) the alien is—

"(I) a national of Cuba who arrived in the United States and presented himself for inspection after April 20, 1980, and before January 1, 1981, and who is still physically present in the United States;

"(II) a national of Haiti who on December 31, 1980, was the subject of exclusion or de-

portation proceedings under section 236 or section 242 of the Immigration and Nationality Act, including a national of Haiti who on that date was under an order of exclusion and deportation or under an order of deportation which had not yet been executed;

"(III) a national of Haiti who was paroled into the United States under section 212(d)(5) of such Act or was granted voluntary departure before December 31, 1980, and was physically present in the United States on that date; or

"(IV) a national of Cuba or Haiti who on December 31, 1980, had an application for asylum pending with the Immigration and Naturalization Service;

"(C) the alien was physically present in the United States since the date of enactment of the Immigration Reform and Control Act of 1983; and

"(D) the alien—

"(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(2),

"(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States, and

"(iii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(2) During the period an alien is in the lawful temporary resident status granted under paragraph (1)—

"(A) the Attorney General shall permit the alien to return to the United States after such brief and casual trips abroad, in accordance with subsection (d)(3), as reflect an intention on the part of the alien to adjust to lawful permanent resident status under paragraph (3), and

"(B) the Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an 'employment authorized' endorsement or other appropriate work permit.

"(3) The Attorney General, in his discretion and under such regulations as he may prescribe, may adjust the status of any alien provided lawful temporary resident status under paragraph (1) to that of an alien lawfully admitted for permanent residence if the alien—

"(A) applies for such adjustment during the six-month period beginning with the first day of the thirty-seventh month that begins after the date the alien was granted such temporary resident status;

"(B) establishes that he has continuously resided in the United States since the date the alien was granted such temporary resident status;

"(C)(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(2), and

"(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States; and

"(D) can demonstrate that he either (i) meets the requirement of paragraph (1) of section 312 (relating to minimal understanding of ordinary English), or (ii) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English.

"(4) The Attorney General shall provide for termination of temporary resident status granted an alien under this subsection—

"(A) if the alien commits an act that (i) makes the alien inadmissible to the United States as an immigrant, except as otherwise

provided under subsection (c)(2), or (ii) is convicted of any felony or three or more misdemeanors committed in the United States, or

"(B) at the end of the forty-second month beginning after the date the alien is granted such status, unless the alien has filed an application for adjustment of such status pursuant to paragraph (3) and such application has not been denied.

"(c)(1) The Attorney General shall provide that applications for adjustment of status under subsection (a) and subsection (b)(1) may be filed with the Attorney General or with any qualified organization or State or local government which the Attorney General may designate if such organization or government agrees to transmit any such application to him. No qualified organization or such government may make a determination required by this section to be made by the Attorney General.

"(2) The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not be applicable in the determination of an alien's admissibility under subsections (a)(3)(A), (b)(1)(C)(i), (b)(3)(C)(i), and (b)(4)(A)(i), and the Attorney General, in making such determination with respect to a particular alien, may waive any other provision of such section other than paragraph (9), (10), (23) (except for so much of such paragraph as relates to a single offense of simple possession of thirty grams or less of marihuana), (27), (28), (29), or (33), for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(3) During the six-month period beginning on the date of the enactment of this section, the Attorney General, in cooperation with qualified organizations and governments designated under paragraph (1) and the Secretary of Labor, shall broadly disseminate information respecting the benefits which aliens may receive under this section and the requirements to obtain such benefits.

"(4) Notwithstanding the Federal Property and Administrative Services Act of 1949 (63 U.S.C. 377), as amended, the Attorney General is hereby authorized to expend from the appropriation provided for the administration and enforcement of the Act, such amounts as may be necessary for the leasing or acquisition of real property in the fulfillment of this section. This authority shall end two years from enactment.

"(5) The Attorney General shall prescribe a fee of \$100 or more to be paid by each alien who files an application for adjustment of status under subsection (a) or subsection (b)(1). The Attorney General shall deposit payments received under the preceding sentence in a separate account and amounts in such account shall be available, without fiscal year limitation, only to cover administrative expenses incurred in connection with the review of applications filed under this section.

"(d)(1) For purposes of subsection (a), an alien shall be considered to have resided continuously in the United States, if, during the period between January 1, 1977, and the date of enactment of the Immigration Reform and Control Act of 1983, such alien—

"(A) had not been outside the United States for any one period of time in excess of 30 days;

"(B) had not been outside the United States for an aggregate period of time in excess of 180 days; and

"(C) meets the requirements of paragraph (4).

"(2) For purposes of subsection (b)(1), an alien shall be considered to have resided continuously in the United States, if, during the period between January 1, 1980 (or in the case of an alien described by subparagraph (B)(ii) of such subsection, January 1, 1981), and the date of enactment of the Immigration Reform and Control Act of 1983, such alien—

"(A) had not been outside the United States for any one period of time in excess of 30 days;

"(B) had not been outside the United States for an aggregate period of time—

"(i) in the case of an alien described by subsection (b)(1)(B)(i), in excess of 90 days; or

"(ii) in the case of an alien described by subsection (b)(1)(B)(ii), in excess of 60 days; and

"(C) meets the requirements of paragraph (4).

"(3) For purposes of subsection (b)(3), an alien shall be considered to have resided continuously in the United States, if, during the period between the date of adjustment to temporary resident status and the date of filing an application under paragraph (3) of such subsection, such alien—

"(A) had not been outside the United States for any one period of time in excess of 30 days;

"(B) had not been outside the United States for any aggregate period of time in excess of 90 days; and

"(C) meets the requirements of paragraph (4).

"(4)(A) For purposes of subsection (a), (b)(1), or (b)(3), an alien shall not be considered to have resided continuously in the United States, if, during the period of time referred to in paragraph (1), (2), or (3) of this subsection, whichever is applicable, such alien was outside the United States as a result of a departure under an order of deportation.

"(B) Any period of time during which an alien is outside the United States pursuant to the advance parole procedures of the Service shall not be considered as part of the period of time during which an alien is outside the United States for purposes of this subsection.

"(5)(A) Each individual who applies for adjustment of status under subsection (a), (b)(1), or (b)(3) shall submit with his application such documents as are necessary to establish that such alien has employment in the United States, together with independent corroboration of the information contained in such documents, except that if the Attorney General determines that such proof of employment is inapplicable, the Attorney General may accept other documents which support the individual's application for adjustment of status, together with independent corroboration of the information contained in such documents.

"(B) Any document of Federal, State, or local government submitted pursuant to subparagraph (A) shall be in the form of a certified copy. A duly attested declaration under penalty of perjury by such individual's employer, who is a United States citizen, of continuous residency by an individual applying for adjustment of status under this section shall constitute only a rebuttable presumption of physical presence for purposes of this section.

"(e)(1) During the period an alien is in lawful temporary resident status granted under subsection (b)(1) and during the three-year period beginning on the date an alien is granted lawful permanent resident

status under subsection (a) or (b)(3), and notwithstanding any other provision of law—

"(A) except as provided in paragraph (2), the alien is not eligible for—

"(i) any program of financial assistance furnished under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government,

"(ii) medical assistance under a State plan approved under title XIX of the Social Security Act, and

"(iii) assistance under the Food Stamp Act of 1977, and

"(B) a State or political subdivision therein may provide that the alien is not eligible for the programs of financial or medical assistance furnished under the law of that State or political subdivision.

"(2)(A) Paragraph (1) shall not apply to an alien described in subsection (b)(1)(B)(ii) (relating to certain Cuban and Haitian entrants).

"(B) For the purpose of section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-122), assistance shall be continued under such section with respect to an alien without regard to the alien's adjustment of status under this section.

"(f) The Attorney General, after consultation with the Committees on the Judiciary of the House of Representatives and the Senate and with qualified organizations and governments designated pursuant to subsection (c)(1), shall prescribe regulations as may be necessary to carry out the provisions of this section. Such regulations may be prescribed to take effect on an interim basis if the Attorney General determines that this is necessary in order to implement this section in a timely manner.

"(g)(1) No decision or determination made by the Attorney General under this section may be reviewed by any court of the United States or of any State.

"(2) No alien denied adjustment of status under this section may raise a claim to such adjustment in any proceeding of the United States or any State involving the status of such alien, including any proceeding of deportation or exclusion under this Act.

"(3) No denial of adjustment of status under subsection (a) or subsection (b) based on a late filing of an application for such adjustment may be reviewed by a court of the United States or of any State or reviewed in any administrative proceeding of the United States Government.

"(h) Notwithstanding any other provision of law, the retired or retainer pay of a member or former member of the Armed Forces of the United States or the annuity of a retired employee of the Federal Government shall not be reduced while such individual is temporarily employed by the Service for a period of not to exceed fifteen months to perform duties in connection with the adjustment of status of aliens under this section.

"(i) The Attorney General in his sole discretion may waive the requirements of subsection (d)(1)(A) or (d)(2)(A) in cases which would result in exceptional and extreme hardship to the alien or to his spouse, parent, or child. The decision to grant or deny such a waiver shall not be reviewable in any court or administrative proceeding in the United States."

(b) The table of contents for chapter 5 of title II is amended by inserting after the

item relating to section 245 the following new item:

"Sec. 245A. Adjustment of status of certain entrants before January 1, 1980, to that of person admitted for temporary or permanent residence."

(c)(1) Public Law 89-732 (approved November 2, 1966) is repealed.

(2) The repeal made by paragraph (1) shall not apply to a native or citizen of Cuba who has been inspected and admitted or paroled into the United States before April 21, 1980.

STATE LEGALIZATION IMPACT-ASSISTANCE BLOCK GRANTS

SEC. 302. (a) There are authorized to be appropriated for grants (and related Federal administrative costs) to carry out this section such sums as may be necessary for fiscal year 1984 and for each of the five succeeding fiscal years.

(b)(1) From the sums appropriated under subsection (a) for a fiscal year (less the amount reserved for Federal administrative costs), the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall allot to each State (as defined in subsection (i)(1)) meeting the requirements of subsection (d) an amount determined in accordance with a formula, established by the Secretary, which takes into account—

(A)(i) the number of eligible legalized aliens (as defined in subsection (i)(2)) residing in the State in that fiscal year,

(ii) the ratio of the number of eligible legalized aliens in the State to the total number of residents of that State and to the total number of such aliens in all the States in that fiscal year, and

(iii) the amount of expenditures the State is likely to incur in that fiscal year in providing assistance for eligible legalized aliens under programs of public assistance (as defined in subsection (i)(3)), and

(B) such other factors as the Secretary deems appropriate to provide for an equitable distribution of such sums.

(2) In determining the number of eligible legalized aliens for purposes of subclauses (i) and (ii) of paragraph (1)(A), the Secretary may estimate such number on the basis of such data as he may deem appropriate.

(3) For each fiscal year the Secretary shall make payments, as provided by section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), to each State from its allotment under paragraph (1). Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

(c) A State may use amounts paid to it under subsection (b)(2) for the purpose of providing assistance with respect to eligible legalized aliens under programs of public assistance, but only to the extent such assistance is otherwise available under such programs to citizens residing in the State.

(d) In order to receive an allotment for a fiscal year under subsection (b), a State must prepare and transmit to the Secretary—

(1) a report describing the intended use of payments the State is to receive under this section for the fiscal year, including (A) a description of those programs of public assistance and localities of the State identified by the State as needing assistance from grants under this section, and (B) criteria

for and administrative methods of disbursing funds received under this section, and

(2) a statement of assurances that certifies that (A) funds allotted to the State under this section will only be used to carry out the purposes described in subsection (c), (B) the State will provide a fair method (as determined by the State) for allocating funds allotted to the State under this section among the programs and localities identified under paragraph (1)(A), and (C) fiscal control and fund accounting procedures will be established that are adequate to meet the requirements incorporated by subsections (e) through (f).

The State shall promptly revise the report referred to in paragraph (1) to reflect substantial changes in its intended use of the funds allotted the State under this section. Such report (for fiscal years after fiscal year 1984), and any revisions proposed thereto, shall be made public within the State in such manner as to facilitate review of and comments from interested persons and local governments on the intended use and distribution of funds for the fiscal year.

(e)(1)(A) Each State shall prepare and submit to the Secretary annual reports on its activities under this section. In order properly to evaluate and to compare the performance of different States assisted under this section and to assure the proper expenditure of funds under this section, such reports shall be in such form and contain such information as the Secretary determines (after consultation with the States and the Comptroller General) to be necessary (i) to secure an accurate description of those activities, (ii) to secure a complete record of the purposes for which funds were spent, of the recipients of such funds, and of the progress made toward achieving the purposes of this section, and (iii) to determine the extent to which funds were expended consistent with the State's description and statement transmitted under subsection (d). Copies of the report shall be provided, upon request, to any interested public agency, and each such agency may provide its views on these reports to the Congress.

(B) The Secretary shall annually report to the Congress on activities funded under subsection (b) and shall provide for transmittal of a copy of such report to each State.

(2)(A) Each State shall, not less often than once every two years, audit its expenditures from amounts received under this section. Such State audits shall be conducted by an entity independent of the State agency administering a program funded under this section in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions and generally accepted auditing standards. Within 30 days following the completion of each audit report, the State shall submit a copy of that audit report to the Secretary.

(B) Each State shall repay to the United States amounts found by the Secretary, after notice and opportunity for a hearing to the State, not to have been expended in accordance with this section and, if such repayment is not made, the Secretary may offset such amounts against the amount of any allotment to which the State is or may become entitled under this section or may otherwise recover such amounts.

(C) The Secretary may, after notice and opportunity for a hearing, withhold payment of funds to any State which is not using its allotment under this section in accordance with this section. The Secretary

may withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

(3) The State shall make copies of the reports and audits required by this subsection available for public inspection within the State.

(4)(A) For the purpose of evaluating and reviewing the block grant established under this section, the Secretary and the Comptroller General shall have access to any books, accounts, records, correspondence, or other documents that are related to such block grant, and that are in the possession, custody, or control of States, political subdivisions thereof, or any of their grantees.

(B) In conjunction with an evaluation or review under subparagraph (A), no State or political subdivision thereof (or grantee of either) shall be required to create or prepare new records to comply with subparagraph (A).

(f) Whoever—

(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from funds allotted to the State under this section, or

(2) having knowledge of the occurrence of any event affecting his initial or continued right to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such payment is authorized,

shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

(g)(1)(A) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under this section are considered to be programs and activities receiving Federal financial assistance.

(B) No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this section.

(2) Whenever the Secretary finds that a State, or an entity that has received a payment from an allotment to a State under subsection (b), has failed to comply with a provision of law referred to in paragraph (1)(A), with paragraph (1)(B), or with an applicable regulation (including one prescribed to carry out paragraph (1)(B)), he shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted,

(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable, or

(C) take such other action as may be provided by law.

(3) When a matter is referred to the Attorney General pursuant to paragraph (2)(A), or whenever he has reason to believe that the entity is engaged in a pattern or practice in violation of a provision of law referred to in paragraph (1)(A) or in violation of paragraph (1)(B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(h) In establishing regulations and guidelines to carry out this section, the Secretary shall consult with representatives of State and local governments.

(i) For purposes of this section:

(1) The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

(2) The term "eligible legalized alien" means—

(A) an alien who has been granted permanent resident status under section 245A(a) of the Immigration and Nationality Act, but only until the end of the three-year period beginning on the date the alien was granted such status; and

(B) an alien who has been granted temporary resident status under section 245A(b)(1) of such Act, but only until—

(i) such temporary resident status is terminated or

(ii) if the alien has been subsequently granted permanent resident status under section 245A(b)(2) of such Act, until the end of the three-year period beginning on the date such permanent resident status was granted,

whichever is later.

(3) The term "program of public assistance" means State or local programs which provide for cash, medical, or other assistance (as defined by the Secretary) designed to meet the basic subsistence or health needs of individuals or required in the interest of public health.

TITLE IV—GENERAL PROVISIONS

REPORTS TO CONGRESS

SEC. 401. The President shall submit the following reports to the Committees on the Judiciary of the Senate and of the House of Representatives:

(a) Reports on the implementation of section 274A of the Immigration and Nationality Act (relating to unlawful employment of aliens), which shall include—

(1) an analysis of the adequacy of the verification procedure set forth in subsection (b) of that section;

(2) the status of the development and implementation of a more secure verification system as provided in subsection (c) of that section; and

(3) the impact of that section on—

(A) the employment, wages, and working conditions of United States workers,

(B) the number of aliens entering the United States illegally,

(C) the violation of terms and conditions of nonimmigrant visas by foreign visitors,

(D) discrimination against citizen and permanent resident alien members of minority groups, and

(E) the paperwork and recordkeeping burden on United States employers.

Reports concerning the matters described in paragraphs (1), (2), and subparagraphs (A), (B), and (C) of paragraph (3) shall be submitted every six months beginning six months after the date of the enactment of

this Act. Reports concerning the matters described in subparagraphs (D) and (E) of paragraph (3) shall be submitted three times: the first not later than eighteen months after the date of enactment of this Act, the second not later than thirty-six months after the date of enactment of this Act, and the third not later than fifty-four months after the date of enactment of this Act.

(b) A comprehensive report on the general legal admissions under the Immigration and Nationality Act, which shall include—

(1) the number and classifications of aliens admitted as immediate relatives under family reunification preferences, independent or occupational preferences and other permanent residents, refugees, asylees, parolees, and a reasonable estimate of the number of aliens who entered the United States without visas or who became deportable under section 241; and

(2) the impact, including reasonable projections and future estimates, of the admission or parole of such aliens on the foreign policy, economy, environmental quality, resources and population growth rate of the United States and the employment of citizens and aliens in the United States. The report called for under this paragraph shall relate to total immigration during the five years prior to the report and reasonable estimates substantiated by the best available evidence, for five years into the future.

This report shall be submitted not later than three years after the date of the enactment of this Act, and every three years thereafter.

(c) A report on the implementation of the agricultural labor transition program and the temporary worker program (popularly known as the "H-2" program), which shall include—

(1) the impact of the program on the labor needs of the United States agricultural employers and on the wages and working conditions of United States agricultural workers,

(2) the development of regulations with respect to the program,

(3) recommendations for modifications of the program, including—

(A) improving the timeliness of decisions regarding admission of temporary foreign workers under the program,

(B) removing any economic disincentives to hiring United States citizens or permanent resident aliens for jobs for which temporary foreign workers have been requested, and

(C) improving cooperation among government agencies, employers, employer associations, workers, unions, and other worker associations to end the dependence of any industry on a constant supply of temporary foreign workers.

The report on the temporary worker program shall be submitted not later than two years after the date of the enactment of this Act and the report on the agricultural labor transition program each year for three years beginning a year after the date of the enactment of the Act.

(d) A report on the pilot program established under section 212(l) of the Immigration and Nationality Act, added by section 213(a) of this Act (popularly known as the "visa waiver program"), which shall include—

(1) an evaluation of the program, including its impact on the control of alien visitors to the United States, consular operations in the countries designated under section 212(l)(3)(A) of the Immigration and Nation-

ality Act, and the impact of the program on the United States tourism industry, and

(2) recommendations on the extension of the program and the expansion of the number of countries which may be designated under such section.

The report shall be submitted not later than two years after the commencement of the program.

(e) A report on the population whose status is legalized under the legalization program established under section 301 of this Act, compiled and validated in accordance with sound statistical practice, which shall include—

(1) geographical origins and manner of entry of these aliens into the United States,

(2) their demographic characteristics,

(3) their patterns of employment,

(4) their participation in social service programs, and

(5) a general profile and characteristics of the population legalized under the program.

The initial report shall be submitted not later than two years after the date of the enactment of the Act and three additional reports be submitted every two years thereafter.

(f) Three years after the date of enactment of this Act, the Secretary of Labor, after consulting with the Attorney General, and with representatives of domestic employers and representative domestic employees, and domestic institutions of higher learning, shall submit to the Congress and the President a report, to be accompanied by his recommendations for changes in current law and regulations, concerning the Nation's need for qualified immigrants identified in paragraphs (1) and (2) of subsection (b) of this section who have acquired professional or technical skills that may be in critical demand in the United States. Another such report shall be submitted five years after the date of enactment of this Act.

ENFORCEMENT OF THE IMMIGRATION LAWS OF THE UNITED STATES

SEC. 402. It is the sense of the Congress that—

(1) the immigration laws of the United States should be enforced vigorously and uniformly; and

(2) in the enforcement of such laws, the Attorney General should take due and deliberate actions necessary to safeguard the constitutional rights, personal safety, and human dignity of United States citizens and aliens.

REIMBURSE STATES FOR INCARCERATING ILLEGAL ALIENS

SEC. 403. (a) The Attorney General shall reimburse a State for the costs incurred by such State for the imprisonment of any alien who is convicted of a felony by such State.

(b) An alien referred to in subsection (a) is any alien, as defined in section 101(a)(3) of the Immigration and Nationality Act, other than—

(1) an alien who was issued an immigrant visa or who otherwise acquired the status of an alien lawfully admitted for permanent residence, and who was subject to the numerical limitations contained in section 207(a) of the Immigration and Nationality Act (other than an alien accorded the status of a temporary or permanent resident under section 245A of such Act);

(2) an alien who is an immediate relative within the meaning of section 201(b) of such Act; and

(3) an alien who is a nonimmigrant within the meaning of subparagraphs (A) or (G) of section 101(a)(15).

(c) There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

(d) This amendment shall become effective on October 1, 1983.

REPORT BY THE COMPTROLLER GENERAL

SEC. 404. Beginning one year after the date of enactment of this section, and at intervals of one year thereafter for a period of five years after such date, the Comptroller General of the United States shall prepare and transmit to the Committee on the Judiciary and the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate a report describing the results of a comprehensive review of the implementation and enforcement of the provisions contained in the amendment made by section 101(a) of this Act during the preceding twelve-month period, for the purpose of determining if—

(1) such provisions have been carried out satisfactorily;

(2) a pattern of discrimination has resulted against citizens or nationals of the United States or against eligible workers seeking employment; and

(3) an unnecessary regulatory burden has been created for employers hiring such workers.

Such committees shall hold public hearings on the contents of each such report and shall submit their findings and recommendations for remedial action, if necessary, to their respective Houses of Congress not later than 60 days after the date of receipt of any such report.

AUTHORIZATION OF APPROPRIATIONS

SEC. 405. (a) Section 404 (8 U.S.C. 1101, note) is amended to read as follows:

"Sec. 404. There are authorized to be appropriated for the fiscal year 1984, \$200,000,000 to carry out the provisions of this Act other than section 214(c)(5) of chapter 2 of title IV."

(b) There are authorized to be appropriated, in addition to such sums as may be available for such purposes, such sums as may be necessary to the Department of Labor for enforcement activities of the Wage and Hour Division and the Office of Federal Contract Compliance Programs within the Employment Standards Administration of the Department and to the Equal Employment Opportunity Commission for its enforcement activities in connection with the enforcement of section 274A of the Immigration and Nationality Act.

OFFICIAL LANGUAGE

SEC. 406. It is the sense of the Congress that—

(1) the English language is the official language of the United States, and

(2) no language other than the English language is recognized as the official language of the United States.

WEST VIRGINIA FRUITGROWERS

SEC. 407. It is the sense of the Senate that, inasmuch as the Department of Labor promulgated a final rule on January 4, 1983, at 20 CFR Part 655, described as Labor Certification Process for the Temporary Employment of Aliens in the United States in Agriculture; Adverse Effect Wage Rate; and this rule increased the Adverse Effect Wage Rate for West Virginia by 17.2 percent; and

Inasmuch as the 17.2 percent increase in the Adverse Effect Wage Rate for West Virginia is nearly seven times greater than the increase made for other states affected by the rulemaking; and

Inasmuch as the increase in the Adverse Effect Wage Rate will cause a substantial portion of the West Virginia apple crop to be uncompetitive in the marketplace, and the resulting economic damage to a significant number of apple growers in West Virginia is likely to be severe; and

Inasmuch as the Department of Labor should consider the formal objections of the State of West Virginia, the State of Maryland, and the United States Department of Agriculture to its rulemaking;

The Senate declares that the Department of Labor should reexamine its January 4, 1983, rulemaking at 20 CFR Part 655, affecting the Adverse Effect Wage Rate applied to West Virginia fruitgrowers, with the purpose of seeking a fair and reasonable adjustment to that rate.

MOTION OFFERED BY MR. RODINO

MR. RODINO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

MR. RODINO moves to strike out all after the enacting clause of the Senate bill, S. 529, and to insert in lieu thereof the provisions of the bill, H.R. 1510, as passed, as follows:

SHORT TITLE; REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Immigration Reform and Control Act of 1983".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act.

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TITLE I—CONTROL OF ILLEGAL IMMIGRATION

PART A—EMPLOYMENT

CONTROL OF UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 101. (a)(1) Chapter 8 of title II is amended by inserting after section 274 (8 U.S.C. 1324) the following new section:

"UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 274A. (a)(1) It is unlawful for a person or other entity after the date of the enactment of this section to hire, or to recruit or refer for a fee or other consideration, for employment in the United States—

"(A) an alien knowing the alien is an unauthorized alien (as paragraph (4)) with respect to such employment, or

"(B) an individual without complying with the requirements of subsection (b).

Subparagraph (B) shall not apply to a person or entity that employs three or fewer employees.

"(2) It is unlawful for a person or other entity, after hiring an alien for employment subsequent to the date of the enactment of this section and in accordance with paragraph (1), to continue to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States and has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(4) As used in this section, the term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either (A) an alien lawfully admitted for permanent residence, or (B) authorized to be so employed by this Act or by the Attorney General.

"(5) For purposes of paragraphs (1)(B) and (3), a person or entity shall be deemed to have complied with the requirements of subsection (b) with respect to the hiring of an individual who was referred for such employment by a State employment agency (as defined by the Attorney General), if the person or entity has and retains (for the period and in the manner described in subsection (b)(3)) appropriate documentation of such referral by that agency, which documentation certifies that the agency has complied with the procedures specified in subsection (b) with respect to the individual's referral.

"(6) Paragraph (1) and (2) shall not apply to a person or entity (other than a farm labor contractor, as defined in section 3(7) of the Migrant and Seasonal Agricultural Worker Protection Act) which employs three or fewer employees.

"(7)(A) A person or entity that establishes that it has complied with the requirements of subsection (b) (including meeting the requirement of subparagraph (B) of this paragraph) with respect to the hiring, recruiting, or referral for employment of an individual has established a complete defense as to a violation by that person or entity of paragraph (1)(A) with respect to the hiring, recruiting, or referral of that individual.

"(B) The Attorney General, in cooperation with the Secretaries of Labor and Health and Human Services, shall establish a method to validate the social security account numbers of individuals applying to be hired, recruited, or referred for employment in the United States. The Attorney General shall provide for publication in the Federal Register of notice of the establishment of the validation method, and procedures for its use, not earlier than six months, and not later than two years, after the date of enactment of this section. Beginning on an effective date, not earlier than 90 days after the date final regulations are published under the previous sentence, set forth by the Attorney General, in order to comply with the requirement of subsection (b) in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, the person or other entity must, pursuant to the verification method—

"(i) submit the social security account number of the individual, and

"(ii) be provided and record on the form designated or established for purposes of subsection (b)(1) a validation code indicating that the number submitted is valid.

"(b) The requirements and procedures referred to in paragraphs (1)(B), (3), and (5) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, that—

"(1) the person or entity must attest, under penalty of perjury and on a form designated or established by the Attorney General by regulation, that it has verified that the individual is eligible to be employed (or recruited or referred for employment) in the United States by examining the individual's—

"(A) United States passport, or

"(B)(i) social security account number card or certificate of birth in the United States or establishing United States nationality at birth, and

"(ii)(I) alien documentation, identification, and telecommunication card, or similar alien registration card issued by the Attorney General to aliens and designated for use for this purpose,

"(II) driver's license or similar document issued for the purpose of identification by a State, if it contains a photograph of the individual or such other personal identifying information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this section, or

"(III) in the case of individuals under sixteen years of age or in a State which does not provide for issuance of an identification document (other than a driver's license) referred to in subclause (II), documentation of personal identity of such other type as the Attorney General finds, by regulation, provides a reliable means of identification, and by validating (to the extent and in the manner required under subsection (a)(6)(B)) the social security account number presented by the individual;

"(2) the individual must attest, on the form designated or established for purposes of paragraph (1), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Attorney General to be hired, recruited, or referred for such employment; and

"(3) after completion of such form in accordance with paragraphs (1) and (2), the person or entity must retain the form and make it available for inspection by officers of the Service or of the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual and ending—

"(A) in the case of the recruiting or referral (without hiring) of an individual, three years after the date of such recruiting or referral, and

"(B) in the case of the hiring of an individual—

"(i) three years after the date of such hiring, or

"(ii) one year after the date the individual's employment is terminated, whichever is later.

A person or entity has complied with paragraph (1) with respect to examination of a document if the document reasonably appears on its face to be genuine. Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under

law) for the purpose of complying with the requirements of this subsection. A person or entity has complied with the requirements of this subsection, with respect to the hiring of an individual, if the requirements of this subsection are first met not later than noon of the day following the day on which the individual is first employed by that person or entity. A form designated or established by the Attorney General under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this section or section 1546 of title 18, United States Code.

"(c) Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment or administration of a national identification card or system.

"(d)(1) It is unlawful for a person or other entity, in the hiring, recruiting, or referring for employment of any individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) Any person or entity which is determined, after notice and opportunity for an administrative hearing, to have violated paragraph (1) shall be subject to a civil penalty of \$1,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

"(e)(1)(A) In the case of a person or entity which has not previously been cited under this subparagraph, if the Attorney General, based on evidence or information he deems persuasive, reasonably concludes that the person or entity has violated paragraph (1)(A) or (2) of subsection (a) with respect to the hiring, recruiting or referring for a fee or other consideration, for employment of an alien, the Attorney General may serve a citation on the person or entity containing a notification that the alien's employment is not authorized and a warning of the penalties and injunctive remedy set forth in this subsection.

"(B) In the case of a person or entity which has previously been cited under subparagraph (A), which is determined (after notice and opportunity for an administrative hearing under paragraph (4)(A)(i)) to have violated paragraph (1)(A) or (2) of subsection (a), and which—

"(i) has not previously been subject to a civil penalty under this subparagraph, the person or entity shall be subject to a civil penalty of \$1,000 for each unauthorized alien with respect to which the violation occurred, or

"(ii) has previously been subject to a civil penalty under this subparagraph in one or more instances, the person or entity shall be subject to a civil penalty of \$2,000 for each unauthorized alien with respect to which the violation occurred.

"(2) Whenever the Attorney General has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the United States district court for the district in which the person or entity resides or in which the violation oc-

current requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the person or entity, as the Attorney General deems necessary.

"(3)(A) In the case of a person or entity which has not previously been cited under this subparagraph, if the Attorney General, based on evidence or information he deems persuasive, reasonably concludes that the person or entity had violated subsection (a)(1)(B) with respect to the hiring, or recruiting or referring for a fee or other consideration, for employment of an individual, the Attorney General may serve a citation on the person or entity containing a notification of the requirements of subsection (a)(1)(B) and a warning of the penalty set forth in subparagraph (B).

"(B) A person or entity which has previously been cited under subparagraph (A) and which is determined (after notice and opportunity for an administrative hearing under paragraph (4)(A)(i)) to have violated subsection (a)(1)(B) shall be subject to a civil penalty of \$500 for each individual with respect to which such violation occurred.

"(4)(A)(i) Before issuing a citation on, or imposing a civil penalty against, a person or entity under this subsection for a violation of subsection (a), the Attorney General shall provide the person or entity with notice and, upon request made within a reasonable time (of not less than thirty days, as established by the Attorney General) of the date of the notice, a hearing respecting the violation.

"(ii) Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code and rules of the United States Immigration Board established under section 107. The hearing shall be held within two hundred miles of the place where the person or entity resides or of the place where the alleged violation occurred. If no hearing is so requested, the assessment shall constitute a final and unappealable order.

"(iii) A person or entity (including the Attorney General) adversely affected by a final order respecting an assessment may, within sixty days after the date the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.

"(B)(i) If the person or entity against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, the Attorney General shall file a suit to collect the amount in the United States district court for the district in which the person or entity resides or in which the violation (with respect to which the penalty was assessed) occurred.

"(ii) In any suit described in clause (i) based on an assessment—

"(I) made after a hearing before an administrative law judge, the suit shall be determined solely upon the administrative record upon which the civil penalty was assessed and the administrative law judge's findings of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, or

"(II) for which a timely request for a hearing was not made, the validity and appropriateness of the final order imposing the assessment shall not be subject to review.

"(5)(A) In determining the level of sanction that is applicable under paragraph (1) for violations of paragraph (1)(A) or (2) of

subsection (a), determinations of more than one violation in the course of a single proceeding or adjudication shall be counted as a single determination.

"(B) In applying this subsection in the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referral for employment without reference to the practices of, or under the control of, or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(f) In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) authorized to be employed in the United States, the Attorney General shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(g) The provisions of this section preempt any State or local law imposing civil or criminal sanctions upon those who employ, or recruit or refer for a fee or other consideration for employment, unauthorized aliens.

"(h)(1) The President shall monitor, and shall consult with the Congress every six months concerning, the implementation of this section (including the effectiveness of the verification and recordkeeping system described in subsection (b) and the status of the changes and additions described in subsection (c)) and the impact of this section on the economy of the United States and on employment (including discrimination in employment) of citizens and aliens in the United States, on the illegal entry of aliens into the United States, and on the failure of aliens who have legally entered the United States to remain in legal status.

"(2)(A) The Civil Rights Commission shall monitor the implementation and enforcement of the provisions of this section and shall investigate allegations that the enforcement or implementation of this section has been conducted in the manner that results in unlawful discrimination by race or nationality against citizens of the United States or aliens who are not unauthorized aliens (as defined in subsection (a)(4)).

"(B) The Civil Rights Commission, not later than eighteen months after the month in which this section is enacted, shall prepare and transmit to the Committees on the Judiciary of the House of Representatives and of the Senate a report describing the implementation and enforcement of the provisions of this section during the preceding period, for the purpose of determining if a pattern of such unlawful discrimination has resulted. Two more such reports shall be prepared and transmitted thirty-six and fifty-four months after the month in which this section is enacted.

"(h)(1)(A) It is an unfair immigration-related employment practice for a person or other entity to discriminate against any individual (other than an unauthorized alien) with respect to the hiring, or recruitment or referral for a fee or other consideration, of the individual for employment because of such individual's national origin or alienage.

"(B) Subparagraph (A) shall not apply to—

"(i) a person or other entity that employs three or fewer employees,

"(ii) a person's or entity's discrimination because of an individual's national origin if the discrimination with respect to that person or entity and that individual is cov-

ered under section 703 of the Civil Rights Act of 1964, or

"(iii) discrimination because of alienage which is otherwise required in order to comply with law.

"(2) Any person (or person, including a class representing such persons) alleging that the person is adversely affected directly by an unfair immigration-related employment practice or an officer of the Soviet alleging that an unfair immigration-related employment practice has occurred or is occurring may file a charge respecting such practice or violation with the Special Counsel of the United States Immigration Board (hereinafter in this subsection referred to as the 'Special Counsel' and the 'Board', respectively). Charges shall be in writing under oath or affirmation and shall contain such information as the Board requires. The Special Counsel shall serve a notice of the charge (including the date, place, and circumstances of the alleged unfair immigration-related employment practice) on the person or entity involved within ten days.

"(c)(A) The Special Counsel shall investigate each charge received and, within 30 days of the date of the receipt of the charge, determine whether or not there is reasonable cause to believe that the charge is true and whether or not to bring a complaint with respect to the charge before the Board. The Special Counsel may, on his own initiative, conduct investigations respecting unfair immigration-related employment practices and, based on such an investigation and subject to subparagraph (C), file a complaint before the Board.

"(B) If the Special Counsel, after receiving such a charge respecting an unfair immigration-related employment practice, has not filed a complaint before the Board with respect to such charge within such 30-day period, the person making the charge may (subject to subparagraph (C)) file a complaint directly before the Board.

"(C) No complaint may be filed respecting any unfair immigration-related employment practice occurring more than 180 days prior to the date of the filing of the charge with the Special Counsel and the service of a copy thereof upon the person or entity against whom such charge is made. This clause shall not prevent the subsequent amending of a charge or complaint under paragraph (4)(A).

"(4)(A) Whenever a complaint is made that a person or entity has engaged in or is engaging in any such unfair immigration-related employment practice, the Board, through an administrative law judge designated by the Board for such purposes, shall have power to issue and cause to be served upon such person or entity a copy of the complaint and a notice of hearing before the judge at a place therein fixed, not less than five days after the serving of the complaint. Any such complaint may be amended by the judge conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person or entity so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint.

"(B) Hearings on complaints under this subsection shall be considered before administrative law judges who are specially designated by the Board as having special training respecting employment discrimination and, to the extent practicable, before such judges who only consider cases under this section.

"(C) Any person filing a charge with the Special Counsel respecting an unfair immigration-related employment practice shall be considered a full party to any complaint before the Board respecting such practice and any subsequent appeal respecting that complaint. In the discretion of the administrative law judge conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony.

"(5)(A) The testimony taken by the administrative law judge shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may provide for the taking of further testimony or hear argument.

"(B) The administrative law judge shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as there prescribed.

"(6) In conducting investigations and hearings under this subsection and in accordance with rules of the Board, the Special Counsel and administrative law judges—

"(A) shall have reasonable access to examine evidence of any person or entity being investigated, and

"(B) by subpoena may compel the attendance of witnesses and the production of evidence at any designated place or hearing.

In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the Board, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

"(i)(1) If, upon the preponderance of the testimony taken, the Board shall be of the opinion that any person or entity named in the complaint has engaged in or is engaging in any such unfair immigration-related employment practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person or entity an order which requires such person or entity to cease and desist from such unfair immigration-related employment practice. Such an order also may require the person or entity—

"(A) to comply with the requirements of subsection (b) with respect to individuals hired (or recruited or referred for employment for a fee or other consideration) during a period of up to three years;

"(B) to retain for the period referred to in subparagraph (A) and only for purposes consistent with the last sentence of subsection (b) the name and address of each individual who applies, in person or in writing, for hiring for an existing position, or for recruiting or referring for a fee or other consideration, for employment in the United States;

"(C) to hire individuals directly and adversely affected, with or without back pay;

"(D) if the Board finds that the practice was intentional, to take such other action as the Board deems appropriate; and

"(E)(i) except as provided in clauses (ii) and (iii), to pay a civil penalty of not more than \$2,000 for each individual discriminated against,

"(ii) except as provided in clause (iii), in the case of a person or entity previously

subject to such an order, to pay a civil penalty of not more than \$3,000 for each individual discriminated against, or

"(iii) in the case of a person or entity who has engaged or is engaging in a pattern or practice of such discrimination or of such violation, to pay a civil penalty of not more than \$4,000 for each individual discriminated against.

"(2)(A) In providing a remedy under paragraph (1)(C), back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Board. Interim earnings or amounts earnable with reasonable diligence by the individual or individual aggrieved against shall operate to reduce the back pay otherwise allowable under such paragraph. No order of the Board shall require the hiring of an individual as an employee or the payment to him of any back pay, if the individual was refused employment for any reason other than discrimination on amount of national origin or alienage.

"(B) In applying this subsection in the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment without reference to the practices of, or under the control of, or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(3) If upon the preponderance of the testimony taken the Board shall not be of the opinion that the person or entity named in the complaint has engaged or is engaging in any such unfair immigration-related employment practice, then the Board shall state its findings of fact and shall issue an order dismissing the complaint.

"(4) In any complaint respecting an unfair immigration-related employment practice, the Board, in its discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee.

"(5)(A) The provisions of subsections (d), (e), (f), (g), (i), and (j) of section 10 of the National Labor Relations Act (29 U.S.C. 160) shall apply to court petitions and review of orders under this section in the same manner as they apply to court petitions and orders under that section, except that the authority of the General Counsel or the National Labor Relations Board under those subsections shall be exercised for purposes of this paragraph through the Special Counsel to the Board.

"(B) In any proceeding referred to in subparagraph (A), the court, in its discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee as part of costs.

"(2)(A) No citation, civil or criminal penalty, or injunction may be issued under section 274A of the Immigration and Nationality Act for the hiring, or recruiting or referring for a fee or other consideration, for employment of individuals occurring before the first day of the seventh month beginning after the date of the enactment of this Act.

"(B) During the one-year period beginning on the date of the enactment of this Act, the Attorney General, in cooperation with the Secretaries of Agriculture, Commerce, Health and Human Services, Labor, and the Treasury and the Administrator of the Small Business Administration, shall disseminate forms and information to employers, employment agencies, and organizations representing employees and provide for public education respecting the require-

ments of section 274A of the Immigration and Nationality Act.

"(C) The Attorney General shall, not later than the first day of the seventh month beginning after the date of the enactment of this Act, first issue, on an interim or other basis, such regulations as may be necessary in order to implement section 274A of the Immigration and Nationality Act.

"(3) The table of contents is amended by inserting after the item relating to section 274 the following new item:

"Sec. 274A. Unlawful employment of aliens."

"(b)(1) The Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470) is amended—

"(A) by striking out "101(a)(15)(H)(ii) and 214(c)" in paragraphs (8)(B) and (10)(B) of section 3 (29 U.S.C. 1802) and inserting in lieu thereof "101(a)(15)(H)(ii)(a), 101(a)(15)(O), 214(c), and 214(e)";

"(B) in section 103(a) (29 U.S.C. 1813(a))—

(i) by striking out "or" at the end of paragraph (4),

(ii) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and

(iii) by adding at the end the following new paragraph:

"(6) has been found to have violated paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act";

"(C) by striking out section 106 (29 U.S.C. 1816) and the corresponding item in the table of contents; and

"(D) by striking out "section 106" in section 501(b) (29 U.S.C. 1856(b)) and by inserting in lieu thereof "paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act".

"(2) The amendments made by paragraph (1) shall apply to the employment, recruitment, referral, or utilization of the services of an individual occurring on or after the first day of the seventh month beginning after the date of the enactment of this Act.

FRAUD AND MISUSE OF CERTAIN DOCUMENTS

SEC. 102. (a) Section 1546 of title 18, United States Code, is amended—

(1) by amending the heading to read as follows:

"§ 1546. Fraud and misuse of visas, permits, and other documents";

(2) by striking out "or other document required for entry into the United States" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States";

(3) by striking out "or document" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States";

(4) by striking out "\$2,000" and inserting in lieu thereof "\$5,000";

(5) by inserting "(a)" before "Whoever" the first place it appears, and

(6) by adding at the end the following new subsections:

"(b) Whoever knowingly uses an identification document (other than one issued lawfully for the use of the possessor) or a false identification document or a false attestation for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act, shall be fined not more

than \$5,000 or imprisoned not more than two years, or both.

"(c) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481)."

(b) The item relating to section 1546 in the table of sections of chapter 75 of such title is amended to read as follows:

"1546. Fraud and misuse of visas, permits, and other documents."

PART B—IMPROVEMENT OF ENFORCEMENT AND SERVICES

SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR ENFORCEMENT AND SERVICE ACTIVITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE

SEC. 111. (a) Two essential elements of the program of immigration control and reform established by this Act are—

(1) an increase in the border patrol and other enforcement activities of the Immigration and Naturalization Service and of other appropriate Federal agencies in order to prevent and deter the illegal entry of aliens into the United States, and

(2) an increase in examinations and other service activities of the Immigration and Naturalization Service and other appropriate Federal agencies in order to ensure prompt and efficient adjudication of petitions and applications provided for under the Immigration and Nationality Act.

(b) Section 404 (8 U.S.C. 1101 note) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 404. (a)(1) In addition to any other amounts appropriated to the Department of Justice for the Immigration and Naturalization Service for fiscal year 1984, there are authorized to be appropriated \$80,000,000 for such fiscal year for improved service and enforcement activities. Amounts appropriated under this paragraph shall be available for expenditure during fiscal year 1985.

"(2) The Attorney General shall develop and transmit to Congress, not later than two months after the date of the enactment of the Immigration Improvements Act of 1984, a plan setting forth the levels of personnel and funding within the Service for fiscal year 1984 necessary to provide—

"(A) for adequate and sufficient border patrol activities, including personnel, equipment, training, and support services,

"(B) for the provision of immigration and naturalization services, including process of applications for legal entry, on a prompt and efficient basis, and

"(C) for an enhanced community outreach program described in section 103(e).

The plan shall incorporate the in-service training program described in section 103(d).

"(b) In addition to the funds authorized to be appropriated under subsection (a), there are authorized to be appropriated for each of fiscal years 1984, 1985, and 1986, not less than \$6,000,000, for the activities of the task force described in section 274A(g)(3).

"(c)(1) There are authorized to be appropriated to the Department of Justice for the Immigration and Naturalization Service—

"(A) for fiscal year 1985, \$700,000,000, and

"(B) for fiscal year 1986, \$715,000,000.

"(2) For each of fiscal years 1985 and 1986, the Attorney General shall develop

and transmit to Congress on a timely basis a revision of the plan established under subsection (a)(2) or under this paragraph setting forth the levels of personnel and funding within the Service for that fiscal year necessary to provide for the items described in subsection (a)(2) for that fiscal year and to incorporate the in-service training program described in section 103(d).

"(d) In the case of any additional amounts appropriated pursuant to subsections (a) and (c) in addition to the amounts that otherwise would have been appropriated in the absence of this section—

"(1) a significant proportion of such increase shall be used to improve the delivery of immigration and naturalization services, including timely processing of petitions and applications, and

"(2) any increased amounts used for immigration enforcement activities shall be used predominantly for increasing border area patrol and support staff."

UNLAWFUL TRANSPORTATION OF ALIENS TO THE UNITED STATES

SEC. 112. Section 274 (8 U.S.C. 1324) is amended—

(1) by inserting "or subsection (c)" in subsection (b)(1) after "subsection (a)";

(2) by redesignating subsection (c) as subsection (d), and

(3) by inserting after subsection (b) the following new subsection:

"(c) Any person who, for the purpose of commercial advantage or private profit, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States such alien by himself or through another in any manner whatsoever, regardless of whether or not fraudulent, evasive, or surreptitious means are used and regardless of any official action which may later be taken with respect to such alien, shall, for each transaction constituting a violation of this subsection (regardless of the number of aliens involved) be fined not more than \$10,000 or imprisoned not more than five years, or both."

FEES

SEC. 113. (a) Section 281 (8 U.S.C. 1351) is amended—

(1) by amending the heading to read as follows:

"NONIMMIGRANT VISA FEES AND ALIEN USER FEES"

(2) by inserting "(a)" after "Sec. 281."; and

(3) by adding at the end the following new subsection:

"(b) The Attorney General, in consultation with the Secretary of State, may impose fees on aliens with respect to their use of border facilities or services of the Services in such amounts as may reasonably reflect the portion of costs of maintenance and operation of such facilities and provision of such services attributable to aliens' use of such facilities and services."

(b) The item in the table of contents relating to section 281 is amended to read as follows:

"Sec. 281. Nonimmigrant visa fees and alien user fees."

RESTRICTING WARRANTLESS ENTRY IN THE CASE OF OUTDOOR OPERATIONS

SEC. 114. Section 287 (8 U.S.C. 1357) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of this section other than paragraph (3) of

subsection (a), an officer or employee of the Service shall not enter without the consent of the owner (or agent thereof) or a properly executed warrant onto the premises of a farm or other outdoor operation for the purpose of interrogating a person believed to be an alien as to the person's right to be or to remain in the United States or for activities related to that purpose."

TREATMENT OF IMMIGRATION EMERGENCIES

SEC. 115. (a) Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(c)(1) The Attorney General shall develop, and may from time to time modify, a contingency plan to provide for the allocation and management of personnel and resources of the Service and other Federal agencies in the event of an immigration emergency. Such plan shall provide for a prompt, efficient, and coordinated response at the Federal, State, and local levels, for the prompt delivery of assistance and necessary resettlement services, and for prompt assistance to States and localities adversely impacted in responding to any such emergency. In developing such as plan, the Attorney General shall consult with immigration experts and State and local governments.

"(2) The Attorney General shall submit the contingency plan to the Committees on the Judiciary of the House of Representatives and of the Senate within four months after the date of the enactment of this subsection.

"(3) If the President determines that an immigration emergency exists and has certified such fact to the Congress, the Attorney General may request necessary and urgent appropriations in a manner consistent with the contingency plan."

(b) Section 404 (8 U.S.C. 1101 note), as amended by section 111, is further amended by adding at the end the following new subsection:

"(e) There are authorized to be appropriated such sums as may be necessary to carry out section 103(c), which amounts shall be available without fiscal year limitation."

PROGRAM OF IN-SERVICE TRAINING

SEC. 116. Section 103 (8 U.S.C. 1103), as amended by section 115, is further amended by adding at the end the following new subsection:

"(d)(1) The Attorney General shall provide for such programs of in-service training for full-time and part-time personnel of the service in contact with the public as will familiarize the personnel with the rights and varied cultural backgrounds of aliens and citizens in order to ensure and safeguard the constitutional and civil rights, personal safety, and human dignity of all individuals, aliens as well as citizens, within the jurisdiction of the United States with whom they have contact in their work.

"(2) The Attorney General shall provide that the annual report of the service includes a description of steps taken to carry out paragraph (1)."

ENHANCEMENT OF COMMUNITY OUTREACH WITHIN THE IMMIGRATION AND NATURALIZATION SERVICE

SEC. 117. Section 103 (8 U.S.C. 1103), as amended by sections 115 and 116, is further amended by adding at the end the following new subsection:

"(e)(1) The Attorney General shall enhance the responsibilities of the community outreach program within the service so that such program, acting in cooperation with the community relations service of the De-

partment of Justice, has personnel located at the district level—

"(A) to assist in the provision of services, particularly naturalization services,

"(B) to provide outreach to deal generally with community problems with the Service arising at the district level, and

"(C) to receive and investigate complaints of abuse of authority by personnel of the Service and to transmit findings thereon to appropriate authorities for disposition or resolution.

In providing for the functions described in subparagraph (A), the Attorney General may secure the assistance and services of voluntary and community agencies.

"(2) The Attorney General shall provide that the annual report of the Service includes details concerning the progress of the Service's community outreach program in carrying out the responsibilities described in paragraph (1)."

REPORT ON ESTABLISHMENT OF ANTISMUGGLING PROGRAM

SEC. 118. The Attorney General, jointly with the Secretary of State, shall initiate discussions with Mexico and Canada to establish formal bilateral programs with those countries to prevent and to prosecute the smuggling of undocumented aliens into the United States and shall report back to the Congress, not later than one year after the date of the enactment of this Act, concerning the progress made in establishing such programs. In any such program, major emphasis should be placed on deterring and prosecuting persons involved in the organized and continuing smuggling for profit.

LIABILITY OF OWNERS AND OPERATORS OF INTERNATIONAL BRIDGES AND TOLL ROADS TO PREVENT THE UNAUTHORIZED LANDING OF ALIENS

SEC. 119. Section 271 (8 U.S.C. 1321) is amended by inserting at the end the following new subsection:

"(c)(1) No person described in subsection (a) who establishes to the satisfaction of the Attorney General that such person has acted diligently and reasonably to fulfill the duty imposed by such subsection shall be liable for the penalty described in such subsection, notwithstanding the failure of such person to prevent the unauthorized landing of any alien.

"(2)(A) At the request of any owner or operator of any international bridge or toll road described in subsection (a), the Attorney General shall inspect any facility established, or any method utilized, at a point of entry into the United States by such owner or operator for the purpose of complying with subsection (a). The Attorney General shall approve any such facility or method (for such period of time as the Attorney General may prescribe) which the Attorney General determines is satisfactory for such purpose.

"(B) Proof that any owner or operator has diligently maintained any facility, or utilized any method, which has been approved by the Attorney General under subparagraph (A) (within the period for which such approval is effective) shall be prima facie evidence that such owner or operator acted diligently and reasonably to fulfill the duty imposed by subsection (a) (within the meaning of paragraph (1))."

ENFORCEMENT OF THE IMMIGRATION LAWS OF THE UNITED STATES

SEC. 120. It is the sense of the Congress that—

(1) the immigration laws of the United States should be enforced vigorously and uniformly; and

(2) in enforcement of such laws, the Attorney General shall take due and deliberate actions necessary to safeguard the constitutional rights, personal safety, and human dignity of United States citizens and aliens.1

PART C—ADJUDICATION PROCEDURES AND ASYLUM

INSPECTION AND EXCLUSION

SEC. 121. Subsection (b) of section 235 (8 U.S.C. 1225) is amended to read as follows:

"(b)(1)(A) An immigration officer shall inspect each alien who is seeking entry to the United States.

"(B) If the examining immigration officer determines that the alien seeking entry—

"(i) does not present the documentation required (if any) to obtain entry to the United States,

"(ii) does not have any reasonable basis for legal entry into the United States, and

"(iii) does not indicate an intention to apply for asylum under section 208, the alien shall be excluded from entry into the United States without a hearing.

"(C) If the examining immigration officer determines that an alien seeking entry, other than an alien crewman and except as otherwise provided in subparagraph (B), subsection (c), or section 273(d), is otherwise not clearly and beyond a doubt entitled to land, the alien shall be detained for a hearing before an administrative law judge on exclusion of the alien.

"(2) The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before an administrative law judge for a hearing on exclusion of the alien.

"(3) The Attorney General shall establish, after consultation with the Judiciary Committees of the Congress, procedures which assure that aliens are not excluded under paragraph (1)(B) without an inquiry into their reasons for seeking entry into the United States.

"(4) In the case of an alien who would be excluded from entry under paragraph (1)(B) but for indicating an intention to apply for asylum, the exclusion hearing with respect to such entry shall be limited to the issues raised in connection with the alien's application for asylum."

UNITED STATES IMMIGRATION BOARD AND ESTABLISHMENT OF ADMINISTRATIVE LAW JUDGE SYSTEM

SEC. 122. (a) Title I is amended by adding at the end the following new section:

"UNITED STATES IMMIGRATION BOARD; USE OF ADMINISTRATIVE LAW JUDGES

"Sec. 107. (a)(1) There is established, as an independent agency in the Department of Justice, a United States Immigration Board (hereinafter in this section referred to as the 'Board') composed of a Chairman and six other members appointed by the President by and with the advice and consent of the Senate.

"(2) The term of office of the Chairman and all other members of the Board shall be six years except that—

"(A) of the members first appointed under this subsection, two shall be appointed for a term of two years, two shall be appointed for a term of four years, and three shall be appointed for a term of six years,

"(B) a member appointed to fill a vacancy occurring before the expiration of the term

for which his predecessor was appointed shall be appointed only for the remainder of such term, and

"(C) a member may serve after the expiration of his term until reappointed or his successor has taken office

"(3) A member of the Board may be removed by the President only for neglect of duty or malfeasance in office.

"(4) Members of the Board (other than the Chairman) are entitled, subject to the amounts provided in advance in appropriation Acts, to receive compensation at the rate now or hereafter provided for grade GS-17 of the General Schedule, under section 5332 of title 5, United States Code. The Chairman is entitled, subject to the amounts provided in advance in appropriation Acts, to receive compensation at the rate now or hereafter provided for grade GS-18 of such General Schedule.

"(5) The Chairman shall be responsible on behalf of the Board for the administrative operations of the Board. The Board shall establish rules of practice and procedure for itself and for the administrative law judges.

"(b)(1) The Board shall hear and determine appeals from—

"(A) final decisions of administrative law judges under this Act, other than a determination granting voluntary departure under section 244(e) within a period of at least thirty days if the sole ground of appeal is that a greater period of departure time should have been fixed;

"(B) decisions on applications for the exercise of the discretionary authority contained in section 212(c) or section 212(d)(3)(B);

"(C) decisions involving the imposition of administrative fines and penalties under title II of this Act, including mitigation thereof;

"(D)(i) decisions on petitions filed in accordance with section 204, other than petitions to accord preference status under paragraph (3) or (6) of section 203(a) or petitions on behalf of a child described in section 101(b)(1)(F), and

"(ii) decisions on requests for revalidation and decisions revoking approval of such petitions under section 205;

"(E) determinations relating to bond, parole, or detention of an alien under sections 242(a) and 242(c); and

"(F) such other administrative decisions and determinations under this Act as the Attorney General may provide by regulation.

The Board shall also exercise functions described in subsections (h) and (i) of section 274A.

"(2) Three members of the Board constitute a quorum of the Board, except that the Chairman (or any member of the Board designated by the Chairman) is empowered to decide nondispositive motions.

"(3) The Board shall act in panels of three or more members or in banc (as designated by the Chairman in accordance with the rules of the Board). A final decision of such a panel shall be considered to be a final decision of the Board.

"(4)(A) Appeals to the Board from final orders of deportation or exclusion (including an order respecting asylum contained in such an order) shall be filed not later than twenty days after the date of the final order.

"(B) The Board shall review the decision of an administrative law judge based solely upon the administrative record upon which the decision is made and the findings of fact

in the judge's order, if supported by reasonable, substantial, and probative evidence on the record considered as a whole, shall be conclusive.

"(5) A final decision of the Board shall be binding on all administrative law judges, immigration officers, and consular officers under this Act unless and until otherwise modified or reversed by a court of the United States.

"(6) In a case in which the Board is considering an appeal of a decision of an administrative law judge respecting an application for asylum, the Board shall render its decision on the appeal not later than sixty days after the date the appeal is filed.

"(c)(1) The Chairman, in accordance with sections 3105 and 5108 and other provisions of title 5, United States Code, relating to administrative law judges in the competitive service, shall—

"(A) appoint administrative law judges, and

"(B) designate one such judge to serve as chief administrative law judge.

"(2) In accordance with rules established by the Board, the chief administrative law judge—

"(A) shall have responsibility for the administrative activities affecting administrative law judges, and

"(B) may designate any administrative law judge in active service to hear and decide any cases described in paragraph (3).

"(3) Administrative law judges shall hear and decide—

"(A) exclusion cases under sections 236 and 360(c),

"(B) deportation and suspension of deportation cases under sections 242, 243, and 244,

"(C) rescission of adjustment of status cases under section 246,

"(D) with respect to judges designated to hear such cases, applications for asylum under section 208,

"(E) the assessment of civil penalties under section 274A(d) and, with respect to judges designated to hear such cases, complaints under section 274A(h), and

"(F) such other cases arising under this Act as the Attorney General may provide by regulation.

"(4) In considering and deciding cases coming before them, administrative law judges may administer oaths, shall record and receive evidence and render findings of fact and conclusions of law, shall determine all applications for discretionary relief which may properly be raised in the proceedings, and shall exercise such discretion conferred upon the Attorney General by law as the Attorney General may specify for the just and equitable disposition of cases coming before such judges.

"(d)(1) The President shall appoint, by and with the advice and consent of the Senate, a Special Counsel to the Board, to serve for a term of four years. In the case of a vacancy in the office of the Special Counsel the President may designate the officer or employee who shall act as Special Counsel during such vacancy.

"(2) The Special Counsel shall be responsible, on behalf of the Board, for investigation of charges and issuance of complaints under subsections (h) and (i) of section 274A and in respect of the prosecution of all such complaints before the Board and the exercise of certain functions referred to in section 274A(i)(5)(A), and shall have such other duties respecting such section as the Board may prescribe.

"(3) The Special Counsel is entitled to receive compensation at the rate now or here-

after provided for grade GS-17 of the General schedule, under section 5332 of title 5, United States Code.

"(4) The Special Counsel, in accordance with rules established by the Board, shall establish such regional offices as may be necessary to carry out his duties."

(b) The table of contents is amended by inserting immediately after the item relating to section 106 the following new item:

"Sec. 107. United States Immigration Board; use of administrative law judges."

JUDICIAL REVIEW

SEC. 123. (a) Subsection (a) of 106 (8 U.S.C. 1105a) is amended—

(1) by striking out "AND EXCLUSION" in the heading and inserting in lieu thereof "EXCLUSION, AND ASYLUM";

(2) in the matter before paragraph (1), by striking out "The procedure" and all that follows through "any prior Act" and inserting in lieu thereof the following: "Notwithstanding section 279 of this Act, section 1331 of title 28, United States Code, or any other provision of law (except as provided under subsection (b)), the procedures prescribed by and all the provisions of chapter 158 of title 28, United States Code, shall apply to, and shall be the sole and exclusive procedure for, the judicial review of all final orders of exclusion or deportation (including determinations respecting asylum encompassed within such orders and regardless of whether or not the alien is in custody and not including exclusions effected without a hearing pursuant to section 235(b)(1)(B)) made against aliens within (or seeking entry into) the United States";

(3) in paragraph (1), by striking out "not later than six months" and all that follows through "whichever is the later" and inserting in lieu thereof "by the alien involved or the Service not later than sixty days from the date of the final order";

(4) inserting "in the case of review sought by an individual petitioner," in paragraph (2) after "in whole or in part, or";

(5)(A) by inserting "in the case of review sought by an individual petitioner," in paragraph (3) after "(3)";

(B) by striking out "The service of the petition" in paragraph (3) and inserting in lieu thereof "In case of judicial review of an order of deportation, the service of the petition";

(6) by inserting "exclusion or" before "deportation" in paragraphs (3) and (4);

(7) by striking out "Attorney General's findings of fact" in paragraphs (4) and (6) and inserting in lieu thereof "findings of fact in the order";

(8) by striking out "(4) except as provided in" in paragraph (4) and inserting in lieu thereof "(4)(A) except as provided in subparagraph (B) and in";

(9) by adding at the end of paragraph (4) the following new subparagraph:

"(B) to the extent that an order relates to a determination of an application for asylum, the court shall only have jurisdiction to review (i) whether the jurisdiction of the administrative law judge or the United States Immigration Board was properly exercised, (ii) whether the asylum determination was made in accordance with applicable laws and regulations, (iii) the constitutionality of the laws and regulations pursuant to which the determination was made, and (iv) whether the decision was arbitrary or capricious;"

(10) in paragraph (7)—

(A) by inserting "or exclusion" after "deportation" each place it appears,

(B) by striking out "subsection (c) of section 242 of this Act" and inserting in lieu thereof "section 235(b) or 242(c)", and

(C) by striking out "a deportation order," and inserting in lieu thereof "an exclusion or deportation order; and";

(11) by striking out "and" at the end of paragraph (8) and inserting in lieu thereof a period; and

(12) by striking out paragraph (9).

(b) Subsection (b) of such section is amended to read as follows:

"(b)(1) Nothing in the provisions of this section shall be construed as limiting the right of habeas corpus under chapter 153 of title 28, United States Code. Petitions for habeas corpus based upon custody effected pursuant to this Act may be brought individually or on a multiple party basis as the interests of the judicial efficiency and justice may require.

"(2) No court shall have jurisdiction to entertain a petition relating to a determination concerning asylum under section 208 except in a petition for review under subsection (a).

"(3) Notwithstanding any other provision of law, no court of the United States shall have jurisdiction to review determinations of administrative law judges or of the United States Immigration Board respecting the reopening or reconsideration of exclusion or deportation proceedings or asylum determinations outside of such proceedings, the reopening of an application for asylum because of changed circumstances, or the Attorney General's denial of a stay of execution of an exclusion or deportation order.

(c) Subsection (c) of such section is amended by striking out "deportation or of exclusion" and inserting in lieu thereof "an administrative law judge".

(d) Section 279 (8 U.S.C. 1329) is amended by striking out "The district courts" in the first sentence and inserting in lieu thereof "Except as otherwise provided under section 106, the district courts".

(e) The item in the table of contents relating to section 106 is amended to read as follows:

"Sec. 106. Judicial review of orders of deportation, exclusion, and asylum."

(f) In the case of a final order of deportation or exclusion entered before the date of the enactment of this Act, a petition for review with respect to that order may in no case be filed under section 106(a)(1) of the Immigration and Nationality Act later than the earlier of (1) sixty days after the date of the enactment of this Act, or (2) the date (if any) such petition was required to be filed under the law in existence before the date of the enactment of this Act.

ASYLUM

Sec. 124. (a)(1) Subsection (a) of section 208 (8 U.S.C. 1158) is amended to read as follows:

"(a)(1)(A) Except as provided in subparagraph (B), any alien physically present in the United States or at a land border or port of entry may apply for asylum in accordance with this section.

"(B)(i) In the case of an alien against whom exclusion or deportation proceedings have been instituted, the alien's application for asylum may not be considered unless—

"(I) not later than fourteen days after the date of the service of the notice instituting such proceedings, the alien has filed notice of intention to file an application for asylum and, not later than thirty days after the date of filing such notice of intention,

the alien has actually filed the application for asylum.

"(II) the alien can make a clear showing, to the satisfaction of the administrative law judge conducting the proceeding, that changed circumstances after the date of the notice instituting the proceeding have resulted in a change in the basis for the alien's claim for asylum, or

"(III) the administrative law judge determines, solely in his discretion, that the interests of justice require the consideration of the application.

"(ii) An alien who has previously applied for asylum and had such application denied may not again apply for asylum unless the alien can make a clear showing that changed circumstances after the date of the denial of the previous application have resulted in a change in the basis for the alien's claim for asylum.

"(2) Applications for asylum shall be considered before administrative law judges who are specially designated by the United States Immigration Board as having special training in international relations and international law. An individual who has served as a special inquiry officer under this title before the date of the enactment of the Immigration Reform and Control Act of 1983 may not be designated to hear applications under this section, unless the individual has received such special training after the date of the enactment of such Act.

"(3)(A)(i) Upon the filing of an application for asylum, an administrative law judge, at the earliest practicable time and after consultation with the attorney for the Government and the applicant, shall set the application for hearing on a day certain or list it for trial on a weekly or other short-term hearing calendar, so as to assure a speedy hearing.

"(ii) Unless the applicant consents in writing to the contrary, the hearing on the asylum application shall commence not later than forty-five days after the date the application has been filed. The holding of an asylum hearing shall not delay the holding of any exclusion or deportation proceeding.

"(iii) In the case of an alien who has filed an application for asylum and who has been continuously detained pursuant to section 235 or 242 since the date the application was filed, if (I) a hearing on the application is not held on a timely basis under clause (ii), (II) a decision on the application is not rendered on a timely basis under subparagraph (D), (III) in the case an appeal to the United States Immigration Board from a denial of an application for asylum has been taken under section 107(b), a decision of the Board is not rendered on the appeal within 60 days of the date the notice of appeal is filed with the Board, or (IV) in the case judicial review of a denial of an application for asylum has been taken under section 106(a), a decision of the reviewing court on the petition for review is not rendered within 30 days of the date the petition is filed with the court, and if actions or inaction by the applicant have not resulted in unreasonable delay in the proceedings, the Attorney General shall provide for the release of the alien on parole subject to such reasonable conditions as the Attorney General may establish to assure the presence of the alien at any appropriate proceedings, unless the Attorney General has reason to believe that the release of the alien would pose a danger to any other person or to the community. Nothing in this section shall be construed as allowing for the detention of

an alien without a showing that the alien has violated a reasonable condition of the release or that the continued release of the alien would pose a danger to any other person or to the community.

"(B)(i) A hearing on the asylum application shall be open to the public, unless the applicant requests that it be closed to the public.

"(ii) At the time of filing of notice of intention to apply for asylum, the alien shall be advised of the privilege of being represented by counsel (in accordance with section 292) and of the availability of legal services.

"(iii) The applicant is entitled to have the asylum hearing closed to the public, to present evidence and witnesses in his own half, to examine and object to evidence against him, and to cross-examine witnesses presented by the Government.

"(C) A complete record of the proceedings and of all testimony and evidence produced at the hearing shall be kept. The hearing shall be recorded verbatim. The Attorney General, and the United States Immigration Board, shall provide that a transcript of a hearing held under this section is made available not later than ten days after the date of completion of the hearing.

"(D) The administrative law judge shall render a determination on the application not later than thirty days after the date of completion of hearing. The determination of the administrative law judge shall be based only on the evidence produced at the hearing.

"(E) The Attorney General shall allocate sufficient resources so as to assure that applications for asylum are heard and determined on a timely basis under this paragraph.

"(4) An alien may be granted asylum only if the administrative law judge determines that the alien (A) is a refugee within the meaning of section 101(a)(42) (A), and (B) does not meet a condition described in one of the subparagraphs of section 243(h)(2).

"(5) The burden of proof shall be upon the alien applying for asylum to establish that the alien is a refugee within the meaning of section 101(a)(42)(A).

"(6) After making a determination on an application for asylum under this section, an administrative law judge may not reopen the proceeding at the request of the applicant except upon a clear showing that, since the date of such determination, changed circumstances have resulted in a change in the basis for the alien's claim for asylum."

(2) Subsection (b) of such section is amended by inserting "(1)" after "determines that the alien" and by inserting before the period at the end the following: ", or (2) meets a condition described in one of the subparagraphs of section 243(h)(2)".

(3) Such section is further amended by adding at the end the following new subsections:

"(d) The procedures set forth in this section shall be the sole and exclusive procedure for determining asylum.

"(e) The Attorney General shall report to the Congress annually on the number of applications for asylum (by country of nationality of applicant) (1) submitted during the year, (2) approved during the year, (3) denied during the year, and (4) pending at the end of the year, and shall also include in such report such other general information relating to such applications as may be appropriate."

(b) Section 243(h) (8 U.S.C. 1253(h)) is amended by adding at the end the following new paragraph:

"(3) An application for relief under this subsection shall be considered to be an application for asylum under section 208 and shall be considered in accordance with the procedures set forth in that section."

(c) Section 222(f) (8 U.S.C. 1202(f)) is amended—

(1) by inserting "(whether as an immigrant, non-immigrant, refugee, or otherwise)" after "enter the United States";

(2) by inserting "(1)" after "(f)" and

(3) by adding at the end the following new paragraph:

"(2)(A) Except as provided in subparagraph (B), the records or any document of the Department of Justice, the Department of State, or any other Government agency, or foreign government, pertaining to the approval or denial of any application for asylum or withholding of deportation under sections 207 and 243(h) of this Act, or any other application arising under a claim of persecution on account of race, religion, political opinion, nationality, or membership in a particular social group, shall be confidential and exempt from disclosure and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States. In the discretion of the Attorney General or the Secretary of State, as the case may be, certified copies of such records or document may be made available to a court which certifies that the information contained in such records or document is needed by the court in the interests of the ends of justice in a case pending before the court.

"(B) In the case of an applicant for asylum or withholding of deportation who seeks records or documents relevant to that particular application, subparagraph (A) shall not be construed as limiting that applicant's access to such records or documents except insofar as such records or documents otherwise are exempt from disclosure under section 552(b) of title 5, United States Code."

EFFECTIVE DATES AND TRANSITION

Sec. 125. (a)(1) Except as provided in subparagraph (B), the amendments made by this part (other than those made by sections 121, 123(a)(2), 123(a)(3), 123(a)(6), 123(a)(10), 123(a)(12), 123(b), 123(d), and 124(b)) shall not apply to—

(i) any exclusion or deportation proceeding (or administrative or judicial review thereof) which was initiated before the hearing transition date (designated under subsection (c)(1)(A)), or

(ii) to any application for asylum filed before the asylum transition date under subsection (c)(1)(B)).

In the case of such proceedings and such applications initiated before such dates which continue after such dates, the United States Immigration Board shall provide that administrative law judges may assume and perform such functions of special inquiry officers as may be appropriate and consistent with their duties as administrative law judges.

(B) Paragraphs (1)(B), (3)(B)(ii), (3)(B)(iii), (4), and (6) of section 208(a) and section 208(b) of the Immigration and Nationality Act (as amended by section 124(a) of this part) shall apply to applications for asylum made after the date of the enactment of this Act, except that—

(i) in the case of an alien against whom exclusion or deportation proceedings have been instituted as of the date of the enactment of this Act, the restriction of para-

graph (1)(B)(i) of section 208(a) of the Immigration and Nationality Act (as so amended) shall apply to asylum applications made more than 14 days after the date of the enactment of this Act (rather than the date of the service of the notice of such exclusion or deportation proceeding), and

(ii) references in any such paragraph to an administrative law judge shall be deemed (before the asylum transition date) to be a reference to the immigration officer conducting the asylum hearing.

(b)(1) The President shall nominate the Chairman and other members of the United States Immigration Board (hereinafter in this section referred to as the "Board") not later than forty-five days after the date of the enactment of this Act.

(2) The Chairman, in consultation with the Attorney General, shall designate a date, not later than forty-five days after the Chairman and a majority of the members of the Board are appointed, on which the Board shall assume the present functions of the Board of Immigration Appeals (under existing rules and regulations).

(3)(A) The Board shall provide promptly for establishment of interim final rules of practice and procedure which will apply to the Board (when not acting as the Board of Immigration Appeals under paragraph (2)) and administrative law judges under the Immigration and Nationality Act, after the hearing transition date or asylum transition date, designated under subsection (c)(1), as the case may be.

(B) Not later than sixty days after the date such interim final rules are established, the Chairman shall appoint at least ten administrative law judges who are qualified to be designated to hear asylum cases under section 208 of the Immigration and Nationality Act. The Board shall provide for such special training of these administrative law judges as it deems appropriate.

(c)(1) In order to provide for the orderly transfer of proceedings from the existing special inquiry system to the administrative law judge system, the Board in consultation with the Attorney General, shall designate—

(A) a "hearing transition date", to be not later than forty-five days after the date interim final rules of practice and procedure are established under subsection (b)(3)(A), and

(B) an "asylum transition date", after the establishment of interim final rules of practice and procedure respecting applications for asylum and after the appointment and designation of administrative law judges, in accordance with section 3105 of title 5, United States Code, under subsection (b)(3)(B).

(2) During the period before the hearing transition date or the asylum transition date (in the case of asylum hearings), any proceeding or hearing under the Immigration and Nationality Act which may be conducted by a special inquiry officer may be conducted by an individual appointed and qualified as an administrative law judge in accordance with all the rules and procedures otherwise applicable to a special inquiry officer's conduct of such proceeding or hearing.

(d) Individuals acting as special inquiry officers on the date of the enactment of this Act and on the hearing transition date may (without regard to other provisions of law) continue to conduct proceedings or hearings under the Immigration and Nationality Act after such transition date during the period ending two years after the date of the enactment of this Act.

(e)(1) The enactment of this part shall not result in any loss of rights or powers, interruption of jurisdiction, or prejudice to matters pending in the Board of Immigration Appeals or before special inquiry officers on the day before the date this Act takes effect.

(2) Under rules established by the United States Immigration Board, with respect to exclusion and deportation cases pending as of the hearing transition date and applications for asylum pending as of the asylum transition date, the United States Immigration Board shall be deemed to be a continuation of the Board of Immigration Appeals and administrative law judges shall be deemed to be continuation of special inquiry officers for the purposes of effectuating the continuation of all existing powers, rights, and jurisdiction.

(f) In the appointment of persons to the position of administrative law judge under section 107(c) of the Immigration and Nationality Act (added by this part) before the end of the two-year period beginning on the hearing transition date—

(1)(A) applications shall be accepted at any time before the hearing transition date from individuals acting as special inquiry officers on the date of the enactment of this Act, and (B) such individuals who apply before such date shall be considered to meet the minimum requirements for entrance to the examination for such position (and shall be awarded, in the application process, at least the minimum number of points for persons who otherwise meet such minimum requirements) and shall be given the examination for that position not later than the quarter following the application; and

(2)(A) each individual who is serving as a special inquiry officer on the date of the enactment of this Act and whose name is included on the certificate of eligibles furnished to the Chairman of the United States Immigration Board by the Director of the Office of Personnel Management for that position shall be treated, for purposes of section 3318(b) of title 5, United States Code, as a preference eligible (within the meaning of section 2108(3)(A) of that title) and (B) the Chairman shall take into account (in selecting among persons whose names are on the certificate) the demonstrated abilities and expertise in immigration law of such individuals.

TECHNICAL AND CONFORMING AMENDMENTS

Sec. 126. (a)(1) Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

"(43) The term 'administrative law judge' means such a judge appointed under section 107."

(2) Section 101(b) (8 U.S.C. 1101(b)) is amended by striking out paragraph (4) and redesignating paragraph (5) as paragraph (4).

(b) The first sentence of section 234 (8 U.S.C. 1124) is amended by striking out "special inquiry officers" and inserting in lieu thereof "administrative law judges".

(c)(1) Subsection (a) of section 235 (8 U.S.C. 1225) is amended—

(A) by striking out "special inquiry officers" in the first sentence and inserting in lieu thereof "administrative law judges",

(B) by striking out "including special inquiry officers," in the fourth sentence and inserting in lieu thereof "and any administrative law judge",

(C) by striking out "including special inquiry officers," in the sixth sentence,

(D) by striking out "and special inquiry officers" in the sixth sentence and inserting in

lieu thereof "and administrative law judges", and

(E) by striking out "special inquiry officer" each place it appears in the seventh sentence and inserting in lieu thereof "administrative law judge".

(2) Subsection (c) of such section is amended—

(A) by striking out "the special inquiry officer during the examination before either of such officers" in the first sentence and inserting in lieu thereof "during the examination or an administrative law judge during an exclusion hearing",

(B) by striking out "no further inquiry by a special inquiry officer" in the first sentence and inserting in lieu thereof "no further examination or exclusion hearing",

(C) by striking out "inquiry or further inquiry" in the first sentence and inserting in lieu thereof "examination or hearing",

(D) by striking out "any inquiry or further inquiry by a special inquiry officer" in the second sentence and inserting in lieu thereof "any examination or hearing", and

(E) by striking out "an inquiry before a special inquiry officer" in the third sentence and inserting in lieu thereof "an exclusion hearing before an administrative law judge".

(d) Sections 106(a)(2), 236, and 242(b)(8) U.S.C. 1105a(a)(2), 1126, 1252(b)) are each amended by striking out "A" and "a" each place either appears before "special inquiry officer" and inserting in lieu thereof "An" and "an", respectively.

(e)(1) Sections 106(a)(2) and 236 (8 U.S.C. 1105a(a)(2), 1226) are each amended by striking out "special inquiry officer" and inserting in lieu thereof "administrative law judge" each place it appears.

(2) Subsection (a) of section 236 (8 U.S.C. 1226) is amended—

(A) by amending the first sentence to read as follows: "An administrative law judge shall conduct proceedings under this section."

(B) by striking out "for further inquiry" in the second sentence and inserting in lieu thereof "for an exclusion hearing",

(C) by striking out "at the inquiry" in the third sentence and inserting in lieu thereof "at the hearing",

(D) by striking out the fourth sentence,

(E) by striking out "regulations as the Attorney General shall prescribe" in the fifth sentence and inserting in lieu thereof "rules as the United States Immigration Board shall establish", and

(F) by striking out "inquiry" in the seventh sentence and inserting in lieu thereof "hearing".

(3) Subsection (b) of such section is amended—

(A) by striking out "From a decision" and all that follows through "Attorney General" in the first sentence and inserting in lieu thereof the following: "From a decision of an administrative law judge excluding or admitting an alien, the alien or the immigration officer in charge at the port where the hearing is held, respectively, may file a timely appeal of the decision with the United States Immigration Board in accordance with rules established by the Board",

(B) by striking out "Attorney General" in the fourth sentence and inserting in lieu thereof "United States Immigration Board", and

(C) by striking out the third sentence.

(4) Subsection (c) of such section is amended by striking out "to the Attorney General".

(f) Section 242(b) (8 U.S.C. 1252(b)) is amended—

(1) by striking out "special inquiry officer" each place it appears in the first, second, third, and seventh sentences and inserting in lieu thereof "administrative law judge";

(2) by striking out "shall administer oaths" and all that follows through "Attorney General," in the first sentence,

(3) by striking out "Attorney General shall prescribe" in the second sentence and inserting in lieu thereof "United States Immigration Board shall establish";

(4) by striking out "In any case" and all that follows through "an additional immigration officer" in the fourth sentence and inserting in lieu thereof "An immigration officer" and by striking out "in such case such additional immigration officer" in that sentence,

(5) by striking out the fifth and sixth sentences,

(6) by striking out "such regulations" and all that follows through "shall prescribe" in the seventh sentence and inserting in lieu thereof "rules as are established by the United States Immigration Board";

(7) by striking out "Such regulations" in the eighth sentence and inserting in lieu thereof "Such rules", and

(8) by striking out "Attorney General shall be final" in the tenth sentence and inserting in lieu thereof "administrative law judge shall be final unless reversed on appeal".

(g) The last sentence of section 273(d) (8 U.S.C. 1323(d)) is amended by striking out "special inquiry officers" and inserting in lieu thereof "administrative law judges".

(h) Section 292 (8 U.S.C. 1362) is amended—

(1) by striking out "In" and all that follows through "proceedings," and inserting in lieu thereof "In any proceeding or hearing before an administrative law judge and in any appeal before the United States Immigration Board from any such proceeding", and

(2) by inserting "and at no unreasonable delay" after "Government".

(i) Section 360(c) (8 U.S.C. 1503(c)) is amended—

(1) by inserting "(and appeals thereof)" in the first sentence after "proceedings", and

(2) by striking out the second sentence.

(j) Any reference in section 203(h) of the Immigration and Nationality Act, as in effect before March 17, 1980, to a special inquiry officer shall be deemed to be a reference also to an administrative law judge under section 101(a)(43) of such Act.

PART D—ADJUSTMENT OF STATUS

LIMITATIONS ON ADJUSTMENT OF NONIMMIGRANTS TO IMMIGRANT STATUS BY OUT-OF-STATUS ALIENS

SEC. 131. (a) Section 245(c)(2) (8 U.S.C. 1255(c)(2)) is amended by inserting after "hereafter continues in or accepts unauthorized employment prior to filing an application for adjustment of status" the following: "or who is not in legal immigration status on the date of filing the application for adjustment of status".

(b) The amendment made by subsection (a) shall apply to applications for adjustment of status pending on the date of the enactment of this Act.

(c) For amendment prohibiting certain nonimmigrant students and visitors entering under visa waivers from adjusting their status to immigrants, see section 212(b) of this Act.

PART E—PRESIDENTIAL STUDY OF A COLLABORATIVE PEOPLE-TO-PEOPLE PROGRAM BETWEEN THE UNITED STATES AND MEXICO

STUDY

SEC. 141. (a) The Congress finds that—

(1) increases in illegal immigration from Mexico to the United States and social unrest in Central America have made it imperative that the people of the United States encourage efforts to strengthen economic and social relations with people of Mexico and to promote economic revitalization and economic expansion opportunities in Mexico;

(2) not addressing issues relating to illegal immigration from Mexico (such as the 220 percent increase from 1970 to 1982 in the number of illegal Mexican aliens apprehended in the United States) and the social instability in Central America to the south of Mexico (especially Communist influence in that area) may ultimately jeopardize the economic well-being and national security of both the United States and Mexico;

(3) financial stability, economic growth, and prosperity in Mexico would substantially help to address this problem; and

(4) the United States economy and the Mexican economy are inextricably linked to the extent that (A) Mexico is the third largest trading partner of the United States, (B) the United States is the predominant source of Mexico's exports, (C) Mexico is becoming an increasingly important consumer of the United States manufactured goods, machinery, and service, (D) Mexico is the fourth largest source of foreign oil for the United States and is of critical strategic importance as a stable supply of oil, (E) two-thirds of the foreign investment in Mexico are held by United States investors, and (F) United States banks have loaned Mexico an amount equivalent to 30 percent of Mexico's foreign debt.

(b) The President shall study the advisability and practicality of proposing to Mexico the establishment of a collaborative people-to-people program between Mexico and the United States. The President shall explore a program that would—

(1) be a bold new initiative to serve as the ultimate coordinating body of collaborative programs of mutual interest to Mexico and the United States and to create a climate of growth and economic prosperity in Mexico;

(2) contribute to economic development in Mexico, reinforcing measures in the fields of trade, investment, and financial assistance, in order to address current and anticipated needs and developments and to foster self-reliance;

(3) serve as a source of financial and technical assistance to carry out these goals drawing on, encouraging, and coordinating participation of existing United States programs and activities, international assistance programs of United States colleges and universities, programs of the Mexican Government, and any new programs or activities which would be established as part of the people-to-people program;

(4) target assistance based on findings of need in areas such as agricultural productivity, industrial research, building construction, transportation systems, research and development, and energy alternatives, and take into consideration the findings of the United States-Mexico Science and Technology Mixed Commission;

(5) draw extensively on and foster the development of local Mexican business, civic organizations, and labor organizations, and rely on private sector local and foreign initiatives; and

(6) rely on volunteers in a composition which would provide a mixture of workers, advisers, and consultants with skills not sufficiently available in Mexico.

(c) In studying such a people-to-people program, the President shall consider how the program should be administered.

(d) Such study shall consider the possibility of the Governments of the United States and Mexico establishing a Mixed Commission for the formulation, orientation, and review of the program. The Commission would meet whenever necessary, alternately in Mexico and the United States. The Commission would meet at the request of either Government and be made up of Mexicans and Americans appointed, through diplomatic channels, whenever a meeting is held. The Mixed Commission would examine matters relating to the execution of the program, determine the plan of activities to be undertaken, examine periodically the program as a whole, and make recommendations to the two Governments. It could also suggest that special meetings be held on a specific project or subject.

(e) The President shall transmit to the Congress the results of the study under this section no later than one year after the date of the enactment of this Act.

TITLE II—REFORM OF LEGAL IMMIGRATION

PART A—IMMIGRANTS

PROVIDING ADDITIONAL IMMIGRANT VISA NUMBERS FOR NATIVES OF CONTIGUOUS COUNTRIES

SEC. 201. (a) Section 201 (8 U.S.C. 1151) is amended—

(1) by inserting "certain aliens provided immigrant visa numbers under subsection (c)," in subsection (a) after "subsection (b) of this section," and

(2) by adding at the end the following new subsection:

"(c)(1) In addition to the number of immigrant visas made available under subsection (a), there shall be made available to natives of each of the foreign states contiguous to the United States for each fiscal year a number of immigrant visas not to exceed the number specified under paragraph (2), not more than 26 percent of which may be made available in any of the first three quarters of such fiscal year.

"(2)(A) Except as provided in subparagraph (B), the number of additional visas made available to natives of either of the foreign contiguous states for a fiscal year is equal to 20,000.

"(B) If for a fiscal year one of the foreign contiguous states does not use the full number of additional immigrant visa numbers made available under this subsection, then the number of additional visas made available to natives of the other foreign contiguous state for the following fiscal year shall be increased by the number not used by the other foreign contiguous state for the previous fiscal year."

(b) Section 202 (8 U.S.C. 1152) is amended—

(1) by inserting "and (c)" in subsection (a) after "section 201(b)".

(2) by striking out "under section 202" in the matter in subsection (e) before paragraph (1) and inserting in lieu thereof "under subsection (a)", and

(3) by adding at the end of subsection (e) the following: "This subsection shall not apply to visas made available under section 201(c) and allotted under section 203(f)".

(c) Section 203 (8 U.S.C. 1153) is amended by adding at the end the following new subsection:

"(f)(1) Aliens who are subject to the numerical limitations specified in section 201(c) shall be allotted visas in the same manner, subject to the same conditions, and in the same order as aliens are subject to the numerical limitations specified in section 201(a) are allotted visas under subsection (a), except that the percentage limitations specified in paragraphs (1) through (6) thereof shall not apply.

"(2) Requirements respecting acquisition of preference status by reason of a relationship or occupational qualification described in a paragraph of subsection (a) shall apply, in the same manner, for the acquisition of preference status under paragraph (1) of this subsection."

(d) The amendments made by this section shall apply to fiscal years beginning with fiscal year 1984.

CHANGE IN COLONIAL QUOTA

Sec. 202. (a)(1) Section 202(c) (8 U.S.C. 1152(c)) is amended by striking out "six hundred" and inserting in lieu thereof "three thousand".

(2) Section 202(e) (8 U.S.C. 1152(e)) is amended by striking out "600" and inserting in lieu thereof "3,000".

(b) The amendments made by subsection (a) shall apply to fiscal years beginning with fiscal year 1984.

REPORT ON ADMISSIONS AND NUMERICAL LIMITATIONS

Sec. 203. (a) Chapter 1 of title I is amended by adding at the end the following new section:

"PRESIDENTIAL REPORT ON IMMIGRATION ADMISSIONS AND IMPACTS"

"SEC. 210. (a) The President shall transmit to the Congress, not later than January 1, 1987, and not later than January 1 of every third year thereafter, a comprehensive report on the impact on the economy, labor market, housing market, educational system, social services, foreign policy, environmental quality, resources, and population growth rate of the United States of admissions and other entries of immigrants, refugees, asylees, and parolees into the United States during the preceding three-year period and on the projected impact (based on reasonable estimates substantiated by the best available evidence) on such factors of admissions and other entries during the succeeding five-year period.

"(b)(1) The President shall include in such report the number and classification of aliens admitted (whether as immediate relatives, special immigrants, refugees, or under the preferences classifications, or as nonimmigrants), paroled, or granted asylum during the relevant as well as a reasonable estimate of the number of aliens who entered the United States during the period without visas or who became deportable during the period under section 241.

"(2) The President also shall include in such report any appropriate recommendations on changes in numerical limitations or other policies under this title bearing on the admission and entry of such aliens to the United States.

"(c) Not later than ninety days after the date of receipt of such a report, the Committees on the Judiciary of the House of Representatives and of the Senate shall hold public hearings to review the findings and recommendations contained in such report."

(b) The table of contents is amended by inserting after the item relating to section 209 the following new item:

"Sec. 210. Presidential report on immigra-

tion admissions and impacts."

G-4 SPECIAL IMMIGRANTS

Sec. 204. (a) Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by striking out "or" at the end of subparagraph (G), by striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; or", and by adding at the end the following new subparagraph:

"(I) an immigrant who entered the United States with the status of a nonimmigrant under paragraph (15)(G)(iv) and who—

"(i) is the unmarried son or daughter of an officer or employee of an international organization described in paragraph (15)(G)(iv), and (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States within seven years of the date of application for a visa under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and eighteen years, and (II) applies for admission under this subparagraph no later than his twenty-fifth birthday or six months after the date this subparagraph is enacted, whichever is later; or

"(ii) is the surviving spouse of a deceased officer or employee of such an international organization, and (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided in the United States within seven years of the date of application for a visa under this subparagraph and for a period or periods aggregating at least fifteen years prior to the death of such officer or employee, and (II) applies for admission under this subparagraph no later than six months after the date of such death or six months after the date this subparagraph is enacted, whichever is later."

(b) Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended by striking out "or" at the end of subparagraph (L), by striking out the period at the end of subparagraph (M) and inserting in lieu thereof "; or", and by adding at the end the following new subparagraph:

"(N)(i) the parent of an alien accorded the status of a special immigrant under paragraph (27)(I)(i), but only if and while the alien is a child, or

"(ii) a child of such parent or of an alien accorded the status of a special immigrant under paragraph (27)(I)(ii)."

MISCELLANEOUS PROVISIONS

Sec. 205. (a) Section 101(b)(1)(D) (8 U.S.C. 1101(b)(1)(D)) is amended by inserting "or natural father" after "natural mother".

(b) Section 19(2) of Public Law 97-116 is amended by inserting "(A)" after "because" and by adding before the semicolon at the end the following: "; or (B) the alien was entering the United States for the purpose of retirement, would not seek gainful employment in the United States, had purchased property in the United States before such date, and had demonstrated the ability for self-support while in retirement".

(c) In the case of an alien—

(1) who was in the United States on October 1, 1982,

(2) who, as of such date—

(A) had a petition approved for classification under section 203(a) (3) or (6) of the Immigration and Nationality Act, and

(B) had been issued a labor certification under section 212(a)(14) of such Act with respect to employment for an employer,

(3) who intends to remain in the United States for the purpose of performing such employment, and

(4) with respect to whom the Attorney General estimates that an immigrant visa will become available before October 1, 1984,

the Attorney General may provide that, notwithstanding any provision of section 214 of the Immigration and Nationality Act, the alien may be classified as a nonimmigrant under section 101(a)(15)(H)(ii) of such Act with respect to such employment until October 1, 1984, or, if earlier, one month after the date the alien's immigrant visa becomes available. For purposes of applying section 245 of such Act to an alien classified as a nonimmigrant under this subsection, the alien shall be considered to have been inspected and admitted into the United States and subsection (c)(2) of that section shall not apply.

(d) Section 204(g)(3)(A) (8 U.S.C. 1154(g)(3)(A)) is amended by striking out "(C)(i) of paragraph 2" and inserting in lieu thereof "(C)(ii) of paragraph (2)".

(e) Section 212(a)(14)(A) (8 U.S.C. 1182(a)(14)(A)) is amended—

(1) by inserting "(i)" before "who are members",

(2) by striking out "or who have" and inserting in lieu thereof ", (ii) who have", and

(3) by inserting after "sciences or the arts" the following: "; or (iii) who have doctoral degrees and are seeking to enter the United States to be employed as researchers at colleges, universities, or other nonprofit educational or research institutions".

(f) Section 244(b) (8 U.S.C. 1254(b)) is amended by inserting "(1)" after "(b)" and by adding at the end the following new paragraph:

"(2) An alien shall not be considered to have failed to maintain continuous physical presence in the United States under paragraphs (1) and (2) of subsection (a) if the absence from the United States did not meaningfully interrupt the continuous physical presence."

PART B—NONIMMIGRANTS

H-2 WORKERS AND TRANSITIONAL NONIMMIGRANT AGRICULTURAL WORKER PROGRAM

Sec. 211. (a)(1) Paragraph (15)(H) of section 101(a) (8 U.S.C. 1101(a)) is amended by striking out "to perform temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in this country" in clause (ii) and inserting in lieu thereof "(a) to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor defined in section 3121(g) of the Internal Revenue Code of 1954 and agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938, of a temporary or seasonal nature, or (b) to perform other temporary services or labor".

(2) Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by section 204(b) of this Act, is further amended by striking out "or" at the end of subparagraph (M), by striking out the period at the end of subparagraph (N) and inserting in lieu thereof "; or", and by adding at the end the following new subparagraph:

"(O) an alien having a residence in a foreign country which he has no intention of abandoning who is coming to the United States to perform temporary services or labor in seasonal agricultural employment (as defined in section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act) under the transitional agricultural labor program provided for under section 214(e)."

(b) Section 214 (8 U.S.C. 1184) is amended—

(1) by adding at the end of subsection (a) the following new sentences:

"An alien may not be admitted to the United States as a nonimmigrant—

"(1) under section 101(a)(15)(H)(ii)(a) for an aggregate period longer than the period (or periods) determined by regulations of the Attorney General, or

"(2) under section 101(a)(15)(H)(ii) if the alien was admitted to the United States as such a nonimmigrant within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

The Attorney General shall provide for such endorsement of entry and exit documents of nonimmigrants described in section 101(a)(15)(H)(ii) as may be necessary to carry out this section and to provide notice for purposes of section 274A."

(2) by inserting "(1)" after "(c)" in subsection (c),

(3) by adding at the end of subsection (c)(1), as so redesignated, the following:

"For purposes of this paragraph the term 'appropriate agencies of Government' means the Department of Labor and includes, with respect to nonimmigrants described in section 101(a)(15)(H)(ii)(a), the Department of Agriculture.

"(2)(A)(i) A petition to import an alien as a nonimmigrant under section 101(a)(15)(H)(ii)(a) may not be approved by the Attorney General unless the petitioner has applied to the Secretary of Labor for a certification that—

"(I) there are not sufficient workers who are able, willing, and qualified and who will be available at the time and place needed to perform the labor or services involved in the petition, and

"(II) the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

"(ii) A petition to import an alien as a nonimmigrant under section 101(a)(15)(H)(ii)(b) may not be approved by the Attorney General unless the petitioner has applied to the Secretary of Labor for a certification that—

"(I) there are not sufficient qualified workers available in the United States to perform the labor or services involved in the petition, and

"(II) the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

"(iii) The Secretary of Labor may require by regulation, as a condition of issuing the certification, the payment of a fee to recover the reasonable costs of processing applications for certification.

"(B) The Secretary of Labor may not issue a certification under subparagraph (A)—

"(i) if there is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification,

"(ii) with respect to an employer if the employer during the previous two-year period employed nonimmigrant aliens admitted to the United States under section 101(a)(15)(H)(ii) and the Secretary of Labor has determined, after notice and opportunity for a hearing, that the employer at any time during that period substantially violated a material term or condition of the labor certification with respect to the employment of domestic or nonimmigrant workers, or

"(iii) for an employer unless the Secretary has been provided satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employments.

No employer may be denied certification under clause (ii) for more than three years for any violation described in such clause.

"(3)(A) In the case of an application for a labor certification for a nonimmigrant described in section 101(a)(15)(H)(ii)(a)—

"(i) the Secretary of Labor may not require that the application be filed more than 50 days before the first date the employer requires the labor or services of the alien;

"(ii) the employer shall be notified in writing within seven days of the date of filing if the application does not meet the standards (other than that described in paragraph (2)(A)(i)(I) for approval and if it does not, such notice shall include the reasons therefor and permit the employer an opportunity to resubmit promptly a modified application for approval;

"(iii) the Secretary of Labor shall make, not later than twenty days before the date such labor or services are first required to be performed, the certification described in paragraph (2)(A)(i) if the employer has complied with the criteria for certification, including criteria for the recruitment of eligible individuals as prescribed by the Secretary, and if the employer does not actually have, or has not been provided with referrals of, qualified eligible individuals who have indicated their availability to perform such labor or services on the terms and conditions of a job offer which meets the requirements of the Secretary, except that the terms of such a labor certification remain effective only if the employer continues to accept for employment, until the date the aliens depart for work with the employer, qualified eligible individuals who apply or are referred to the employer; and

"(iv) in the employer's complying with terms and conditions of employment respecting the furnishing of housing, the employer shall be permitted, at the employer's option and in lieu of arranging for suitable housing accommodations, to substitute payment of a reasonable housing allowance, but only if housing is otherwise available in the proximate area of employment.

"(B) A petition to import an alien as a nonimmigrant described in section 101(a)(15)(H)(ii)(a), and an application for a labor certification with respect to such an alien, may be filed by an association representing agricultural producers which use agricultural labor or services. The filing of such a petition or application on a member's behalf does not relieve the member of any liability for representations made in such petition or application.

"(C)(i) The Secretary of Labor shall provide for an expedited procedure for the review of a denial of certification under paragraph (2)(A)(i) or, at the applicant's request, for a de novo administrative hearing respecting the denial.

"(ii) The Secretary of Labor shall expeditiously, but in no case later than seventy-two hours after the time a new determination is requested, make a new determination on the request for certification in the case

of importing a nonimmigrant described in section 101(a)(15)(H)(ii)(a) if able, willing, and qualified eligible individuals are not actually available at the time such labor or services are required and a certification was denied in whole or in part because of the availability of qualified eligible individuals. If the employer asserts that any eligible individuals who have been referred are not able, willing or qualified, the burden of proof is on the employer to establish that the individuals referred are not able, willing, or qualified because of employment-related reasons as shown by their job performance.

"(D) For purposes of this paragraph, the term 'eligible individual' means with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A(a)(4)) with respect to that employment.

"(4) The Secretary of Labor, in consultation with the Attorney General and the Secretary of Agriculture, shall annually report to the Congress on the certifications provided under this subsection and on the work permits issued under subsection (e), the impact of aliens admitted pursuant to such certifications or permits on labor conditions in the United States, and on compliance of employers and nonimmigrants with the terms and conditions of such nonimmigrants' admission to the United States.

"(5) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1984, \$10,000,000 for the purposes (A) of recruiting domestic workers for temporary labor and services which might otherwise be performed by nonimmigrants described in sections 101(a)(15)(H)(ii) and 101(a)(15)(O), and (B) of monitoring terms and conditions under which such nonimmigrants (and domestic workers employed by the same employers) are employed in the United States. The Secretary of Labor is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this subsection or subsection (e).

"(6) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1984, such sums as may be necessary for the purpose of enabling the Secretary of Labor to make determinations and certifications under this subsection and under section 212(a)(14).

"(7) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1984, such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities as set forth under the provisions of this Act."

(4) by adding at the end thereof the following new subsection:

"(e)(1) The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall by regulation establish a three-year transitional agriculture labor program (hereinafter in this subsection referred to as 'the transitional program') to assist agricultural employers in shifting from the employment of unauthorized aliens to the employment of eligible individuals (described in subsection (c)(3)(D)).

"(2)(A) No person is eligible to employ a nonimmigrant described in section 101(a)(15)(O) unless the person (or a person or association representing the person) applies for registration with the Attorney General during the first year of the transi-

tional program (as designated by the Attorney General). In such application, the person shall provide such information relating to the person's requirements for seasonal agricultural labor in months or other periods in previous and future years as the Attorney General may specify.

"(B) In approving applications for registration under this paragraph and taking into consideration the needs specified in the applications, the historical employment needs of agricultural employers for seasonal agricultural labor, and the availability of domestic agricultural labor, the Attorney General shall specify, with respect to each registration, the maximum number of nonimmigrants described in section 101(a)(15)(O) the person can employ during the various months in the first year of the transitional program, which number shall approximate the employer's maximum reasonable requirement for nondomestic seasonal agricultural workers. The approval of an employer's application for registration under this paragraph and the issuance of work permits thereunder is conditioned upon the employer's compliance with the terms and conditions of this subsection and regulations issued thereunder.

"(C) If the Attorney General approves the employment of a number of such nonimmigrants for a month or other period in the first year of the transitional program, the Attorney General shall issue to the employer a nonimmigrant labor form (hereinafter in this subsection referred to as a 'work permit') for each such nonimmigrant for the month or other period specified. The Attorney General may require by regulation, as a condition of issuing work permits, the payment of a fee to recover the reasonable cost of processing registration applications and issuance of work permits under this subsection.

"(D) For months or other periods in the second or third years of the transitional program, the Attorney General shall provide for the issuance (to each registered employer who has complied with the terms of the program and of the program described in subsection (c) in previous years of the program) of a number of work permits equal to 67 or 33 per centum, respectively, of the number of such permits issued with respect to that month or period for that employer in the first year of the transitional program.

"(E) No work permit shall be issued under this subsection with respect to the employment of any alien for any period after the third year of the transitional program.

"(3) An agricultural employer desiring to employ in seasonal agricultural labor for a month or other period an alien who is not otherwise an eligible individual (as described in subsection (c)(3)(D), but for this subsection) must—

"(A)(i) complete and endorse a copy of a work permit for that month or other period directly to the alien, who shall retain a copy of the work permit for inspection, (ii) transmit a copy of such endorsed permit to the Attorney General, and (iii) retain a copy for the employer's records; or

"(B) provide for transmittal of the work permit to an appropriate consular officer to provide for the issuance of a visa to a qualified alien as a nonimmigrant described in section 101(a)(15)(O) to perform seasonal agricultural employment for that employer for the period specified.

Upon the receipt of an endorsed copy of a work permit of an alien under subparagraph (A), the Attorney General shall provide for

the recordation of the alien as a nonimmigrant described in section 101(a)(15)(O), except that such recordation shall not prevent the deportation of the alien after the expiration of the work permit or on any ground (other than on the ground described in section 241(a)(2) or on the basis, under section 241(a)(1), of being excludable at the time of entry under paragraph (19), (20), or (26) of section 212(a)).

"(4)(A) An agricultural employer employing an alien with a work permit must provide for the same wages and working conditions as those which would be required with respect to the employment of nonimmigrants described in section 101(a)(15)(H)(ii)(a), and, in the case of such an alien described in paragraph (3)(B), must meet such other transportation and similar conditions as are required with respect to the importation of nonimmigrants described in section 101(a)(15)(H)(ii)(a).

"(B) In accordance with regulations of the Attorney General, a work permit issued under this section shall be considered an alien registration card for purposes of section 274A(b)(1)(B)(ii)(I) and an alien employed by an employer and in possession of a properly endorsed work permit for a period of time shall be considered (for purposes of section 274A(a)(4)) to be authorized by the Attorney General to be so employed during that period of time. For purposes of section 3121(a)(1) of the Internal Revenue Code of 1954 and section 219(a) of the Social Security Act, a nonimmigrant described in section 101(a)(15)(O) performing seasonal agricultural services for a registered employer with a properly endorsed work permit shall be considered to be lawfully admitted to the United States on a temporary basis to perform agricultural labor.

"(5)(A) The Attorney General may provide for such suspensions and conditions on participation in the transitional program as are consistent with suspensions and conditions of participation of agricultural employers under the program described in subsection (c).

"(B) The Attorney General shall suspend the registration of an agricultural employer under the transitional program, and may prohibit the employer from participating in the program under subsection (c), for a period of up to three years if the Attorney General determines, after opportunity for a hearing, that the employer, during the previous two-year period (after the effective date of the transitional program)—

"(i) has knowingly discriminated in terms or conditions of employment against eligible individuals without work permits,

"(ii) has knowingly hired aliens not permitted under law to be so employed,

"(iii) has employed an alien classified or recorded as a nonimmigrant described in section 101(a)(15)(O) for services other than seasonal agricultural employment or for a period for which a work permit has not been issued and is not in effect,

"(iv) has become ineligible for a certification under subsection (c)(2)(B)(ii), or

"(v) otherwise has at any time during the period substantially violated a material term or condition of the registration with respect to the employment of domestic or nonimmigrant workers.

"(6) Aliens employed pursuant to work permits issued under this subsection are fully protected by all applicable Federal and State laws and regulations governing the employment of migrant and seasonal agricultural workers.

"(7) The provisions of subsections (a) and (c) of this section preempt any State or local law regulating admissibility of nonimmigrant workers."

(c) The amendments made by this section apply to petitions and applications filed under section 214(c) of the Immigration and Nationality Act on or after the first day of the seventh month beginning after the date of the enactment of this Act (hereinafter in this section referred to as the "effective date").

(d) The Attorney General, in consultation with the Secretary of Labor and, in connection with agricultural labor or services, the Secretary of Agriculture, shall approve all regulations to be issued implementing the amendments made by this section. Notwithstanding any other provision of law, final regulations implementing the amendments made by this section shall first be issued, on an interim or other basis, not later than the effective date.

(e) The Secretary of Labor, in consultation with the Attorney General and the Secretary of Agriculture, shall report to the Congress no later than eighteen months after the effective date on recommendations for improvements in the temporary alien worker program amended by this section, including recommendations—

(1) improving the timeliness of decisions regarding admission of temporary foreign workers under the program,

(2) removing any current economic disincentives to hiring United States citizens or permanent resident aliens where temporary foreign workers have been requested, and

(3) improving the cooperation among Government agencies, employers, employer associations, workers, unions, and other worker associations to end the dependence of any industry on a constant supply of temporary foreign workers.

(f) It is the sense of Congress that the President should establish an advisory commission which shall consult with the Governments of Mexico and of other appropriate countries and advise the Attorney General regarding the operation of the alien temporary worker program established under section 214(c) of the Immigration and Nationality Act and of the transitional seasonal agricultural worker program under section 214(e) of such Act.

(g) For amendments prohibiting nonimmigrants under the seasonal agricultural worker program from adjusting their status to immigrant or other nonimmigrant status, see sections 212(b) and 213(d) of this Act.

STUDENTS

SEC. 212. (a) Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by striking out "(e) No person" and inserting in lieu thereof "(e)(1) No person (A)";

(2) by inserting after "training," the following: "or (B) except as provided in paragraph (2), admitted under subparagraph (F) or (M) of section 101(a)(15) or acquiring such status after admission,"

(3) by striking out "clause (iii)" in the second proviso and inserting in lieu thereof "clause (A)(iii) or clause (B) of the first sentence";

(4) by striking out "Provided, That upon" and inserting in lieu thereof "Upon";

(5) by striking out "And provided further, That except" and inserting in lieu thereof "Except"; and

(6) by adding at the end the following:

"The Attorney General may waive such two-year foreign residence requirement in the case of an alien described in clause (B) of the first sentence who is an immediate relative (as specified in section 201(b))."

"(2) The Attorney General, in the case of an alien described in clause (B) of the first sentence of paragraph (1) who has the status of a nonimmigrant under section 101(a)(15)(F), may waive the two-year foreign residence requirement of paragraph (1) if the Attorney General determines that the waiver is in the public interest and that—

"(A) the alien—

"(i) has obtained an advanced degree from a college or university in the United States and has been offered a position on the faculty (including as a researcher) of a college or university in the United States in the field in which he obtained the degree,

"(ii) has obtained a degree in a natural science, mathematics, computer science, or an engineering field from a college or university in the United States and has been offered a research or technical position by an employer in the field in which he obtained the degree, or

"(iii) has obtained an advanced degree in business or economics from a college or university in the United States, has exceptional ability in business or economics, and has been offered employment which requires such exceptional ability;

"(ii) is applying for a visa as an immigrant described in paragraph (3) or (6) of section 203(a),

"(iii) has received a certification under section 212(a)(14) with respect to position referred to in clause (i), and

"(iv) has applied for a waiver under this paragraph before September 30, 1989; or

"(B) the alien—

"(i) has obtained a degree in a natural science, mathematics, computer science, or in a field of engineering or business,

"(ii) is applying for a visa as a nonimmigrant described in section 101(a)(15)(H)(iii),

"(iii) will receive no more than three years of training by a firm, corporation, or other legal entity in the United States, which training will enable the alien to return to the country of his nationality or last residence and be employed there as a manager by the same firm, corporation, or other legal entity, or a branch, subsidiary, or affiliate thereof, and

"(iv) furnishes the Attorney General each year with an affidavit (in such form as the Attorney General shall prescribe) that attests that the alien (i) is in good standing in the training program in which the alien is participating, and (ii) will return to the country of his nationality or last residence upon completion of the training program."

(b) Section 245(c) (8 U.S.C. 1255(c)) is amended by striking out "or" before "(3)" and by inserting before the period at the end the following: ", or (4) an alien (other than an immediate relative specified in section 201(b) or an alien who has received a waiver under section 212(e)(2)(A)) who entered the United States classified as a nonimmigrant under subparagraph (F), (M), or (O) of section 101(a)(15) or who was admitted as a nonimmigrant visitor without a visa under subsection (1) or (m) of section 212".

(c) Section 244(b) (8 U.S.C. 1254(b)) is amended—

(1) by striking out "(b)" and inserting in lieu thereof "(b)(1)", and

(2) by adding at the end the following:

"(2) In determining the period of continuous physical presence in the United States under subsection (a), there shall not be in-

cluded any period in which the alien was in the United States as—

"(A) a nonimmigrant described in subparagraph (F) or (M) of section 101(a)(15), or

"(B) a nonimmigrant described in section 101(a)(15)(H)(iii), pursuant to a waiver under section 212(e)(2)(B)."

(d)(1) The amendments made by subsection (a) apply to aliens admitted to the United States as a nonimmigrant described in subparagraph (F) or (M) of section 101(a)(15) of the Immigration and Nationality Act after the date of the enactment of this Act or who otherwise acquire such status after such date.

(2) The amendments made by subsection (b) apply to aliens without regard to the date the aliens enter the United States.

(3) The amendments made by subsection (c) apply to periods occurring on or after the date of the enactment of this Act and shall not have the effect of excluding (in the determination of a period of continuous physical presence in the United States) any period before the date of the enactment of this Act.

VISA WAIVER FOR CERTAIN VISITORS

SEC. 213. (a) Section 212 (8 U.S.C. 1182) is amended by adding at the end thereof the following new subsections:

"(1)(1) The Attorney General and the Secretary of State are authorized to establish a pilot program (hereinafter in this subsection referred to as the 'program') under which the requirement of paragraph (26)(B) of subsection (a) may be waived by the Attorney General and the Secretary of State, acting jointly and in accordance with this subsection, in the case of an alien who—

"(A) is applying for admission during the pilot program period (as defined in paragraph (5)) as a nonimmigrant visitor (described in section 101(a)(15)(B)) for a period not exceeding ninety days;

"(B) is a national of a country which—

"(i) extends or agrees to extend reciprocal privileges to citizens and nationals of the United States, and

"(ii) is designated as a pilot country under paragraph (3);

"(C) before such admission completes such immigration form as the Attorney General shall establish under paragraph (2)(C) and executes a waiver of review and appeal described in paragraph (2)(D);

"(D) has a round trip, nonrefundable, non-transferable, open-dated transportation ticket which—

"(i) is issued by a carrier which has entered into an agreement described in paragraph (4), and

"(ii) guarantees transport of the alien out of the United States at the end of the alien's visit; and

"(E) has been determined not to represent a threat to the welfare, safety, or security of the United States;

except that no such alien may be admitted without a visa pursuant to this subsection if the alien failed to comply with the conditions of any previous admission as a nonimmigrant.

"(2)(A) The program may not be put into operation until the end of the thirty-day period beginning on the date that the Attorney General submits to the Congress a certification that the screening and monitoring system described in subparagraph (B) is operational and that the form described in subparagraph (C) has been produced.

"(B) The Attorney General in cooperation with the Secretary of State shall develop and establish an automated data arrival and

departure control system to screen and monitor the arrival and departure into the United States of nonimmigrant visitors receiving a visa waiver under the program.

"(C) The Attorney General shall develop a form for use under the program. Such form shall be consistent and compatible with the control system developed under subparagraph (B). Such form shall provide for, among other items—

"(i) a summary description of the conditions for excluding nonimmigrant visitors from the United States under subsection (a) and this subsection,

"(ii) a description of the conditions of entry with a waiver under this subsection, including the limitation of such entry to ninety days and the consequences of failure to abide by such conditions, and

"(iii) questions for the alien to answer concerning any previous denial of the alien's application for a visa.

"(D) An alien may not be provided a waiver under this subsection unless the alien has waived any right (i) to review or appeal under the Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States or (ii) to contest, other than on the basis of an application for asylum, any action for deportation against the alien.

"(3)(A) The Attorney General and the Secretary of State acting jointly may designate up to eight countries as pilot countries for purposes of this subsection.

"(B) For the period beginning after the thirty-day period described in paragraph (2)(A) and ending on the last day of the first fiscal year which begins after such thirty-day period, a country may not be designated as a pilot country unless—

"(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2 per centum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and

"(ii) the average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 per centum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(C) For each fiscal year (within the pilot program period) after the period specified in subparagraph (B)—

"(i) in the case of a country which was a pilot country in the previous fiscal year, a country may not be designated as a pilot country unless the sum of—

"(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(II) the total number of nationals of that country who were admitted as nonimmigrant visitors during previous fiscal year and who violated the terms of such admission,

was less than 2 per centum of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year, or

"(ii) in the case of another country, the country may not be designated as a pilot country unless—

"(I) the average number of refusals of nonimmigrant visitor visas for national of

that country during the two previous full fiscal years was less than 2 per centum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and

"(II) the average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 per centum of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(4) The agreement referred to in paragraph (1)(D)(i) is an agreement between a carrier and the Attorney General under which the carrier agrees, in consideration of the waiver of the visa requirement with respect to a nonimmigrant visitor under this subsection—

"(A) to indemnify the United States against any costs for the transportation of the alien from the United States if the visitor is refused admission to the United States or remains in the United States unlawfully after the ninety-day period described in paragraph (1)(A)(i), and

"(B) to submit daily to immigration officers any immigration forms received with respect to nonimmigrant visitors provided a waiver under this subsection.

The Attorney General may terminate such an agreement with five days' notice to the carrier for the carrier's failure to meet the terms of such agreement.

"(5) For purposes of this subsection, the term 'pilot program period' means the period beginning at the end of the thirty-day period referred to in paragraph (2)(A) and ending on the last day of the third fiscal year which begins after such thirty-day period.

"(6) The Attorney General and the Secretary of State shall jointly monitor the program and shall report to the Congress not later than two years after the beginning of the pilot program, and shall include in such report recommendations respecting extension of the pilot program period and of the number of countries that may be designated under paragraph (3)(A).

"(m) The requirement of paragraph (2)(B) of subsection (a) may be waived by the Attorney General, the Secretary of State, and the Secretary of the Interior, acting jointly, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay on Guam for a period not to exceed fifteen days, if the Attorney General, the Secretary of State, and the Secretary of the Interior jointly determine that—

"(1) the territory of Guam has developed an adequate arrival and departure control system, and

"(2) such a waiver does not present a threat to the welfare, safety, or security of the United States."

(b) Section 214(a) (8 U.S.C. 1184(a)) is amended by adding at the end the following new sentence: "No alien admitted to the United States without a visa pursuant to subsection (l) or (m) of section 212 may be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding ninety days or fifteen days, respectively, from the date of admission."

(c) For amendment prohibiting nonimmigrant visitors entering under visa waivers from adjusting their status to immigrants, see section 212(b) of this Act.

(d) Section 248 (8 U.S.C. 1258) is amended by striking out "and" at the end of para-

graph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and" and by adding at the end thereof the following new paragraph:

"(4) an alien classified as a nonimmigrant under section 101(a)(15)(O) or admitted as a nonimmigrant visitor without a visa under subsection (l) or (m) of section 212."

NONIMMIGRANT SEASONAL AGRICULTURAL PROGRAM

SEC. 214. (a) Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by sections 204(b) and 211(a)(2) of this Act, is further amended by striking out "or" at the end of subparagraph (N), by striking out the period at the end of subparagraph (O) and inserting in lieu thereof "; or", and by adding at the end the following new subparagraph:

"(P) an alien having a residence in a foreign country which he has no intention of abandoning who is coming to the United States for a period of not longer than 11 consecutive months to perform services or labor in seasonal agricultural employment (as defined in section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act) in the production of perishable commodities (as defined in regulations of the Secretary of Agriculture)."

(b) Section 214 (8 U.S.C. 1184), as amended by section 211(b) of this Act, is further amended—

(1) in subsection (a)—

(A) by striking out "or" at the end of paragraph (1),

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or", and

(C) by inserting after paragraph (2) the following new paragraph:

"(3) under section 101(a)(15)(P) during the five-year period beginning on the most recent date (if any) on which the alien violated (as determined by the Attorney General) a term or condition of a previous admission as such a nonimmigrant or who enters the United States unlawfully after the date the program under subsection (f) first takes effect."; and

(2) by adding at the end the following new subsection:

"(f)(1)(A) The Attorney General, in consultation with the Secretary of Agriculture and the Secretary of Labor, shall by regulation establish a program (hereinafter in this subsection referred to as 'the program') for the admission into the United States of nonimmigrants described in section 101(a)(15)(P). The program shall include the imposition of monthly and annual numerical limitations, established under paragraph (2)(B), on the issuance of nonimmigrant visas for such nonimmigrants by agricultural employment region. These visas shall be made available subject to such limitations to aliens described in section 101(a)(15)(P) in accordance with the preference system established under paragraph (2)(C).

"(B) Except as provided pursuant to paragraph (3)—

"(i) aliens shall not be required to obtain any petition from any prospective employer within the United States in order to obtain a nonimmigrant visa under the program, and

"(ii) such a nonimmigrant visa shall not limit the geographical area (other than by regions established under subparagraph (C)) within which an alien may be employed or limit the type of agricultural employment, within the production of perishable commodities, the alien may perform.

"(C) For purposes of administering the program, the Attorney General shall designate not more than ten agricultural employment regions within the United States.

"(2)(A) Each person who employs individuals to perform agricultural employment (including an association of such persons and a person who contracts for the performance of such employment) in the production of perishable commodities may submit to the Attorney General, at such time and in such manner as the Attorney General specifies, an application specifying, for each month concerned and for the agricultural employment region in which the person is located, (i) the total number and qualifications of agricultural workers required in the production of perishable commodities in each month and (ii) the type of agricultural work required to be performed by these workers. The person may also include a statement indicating a preference as to country of nationality of aliens (or names of particular aliens) desired to perform labor in any such month.

"(B)(i) Based upon such petitions, taking into consideration the historical employment needs of agricultural employers and the availability of domestic agricultural labor, and after consultation with the Secretary of Agriculture and the Secretary of Labor, the Attorney General shall establish a numerical limitation, by month and by agricultural employment region, on the issuance of nonimmigrant visas to aliens described in section 101(a)(15)(P).

"(ii) If an agricultural employer (or association or representative thereof) establishes that extraordinary and unusual circumstances have resulted in a significant change in the employer's need for seasonal agricultural workers specified in the application or in the availability of domestic workers who are able, willing, and qualified to perform seasonal agricultural employment, the employer may apply to the Attorney General (in such form and manner as the Attorney General shall provide) for an increase in the numerical limitations otherwise established under clause (i) to accommodate such emergency need. The Attorney General shall make a determination on such an application within 72 hours of the date the application is completed. To the extent the application is approved, the Attorney General shall provide for an appropriate increase in the appropriate numerical limitation.

"(C) Nonimmigrant aliens who are subject to the numerical limitation specified in this paragraph shall be allotted nonimmigrant visas as follows:

"(i) Visas shall first be made available to qualified nonimmigrants specifically identified in petitions submitted under paragraph (2)(A).

"(ii) Visas shall next be made available to qualified nonimmigrants who have previously been employed in seasonal agricultural employment in the United States, providing priority in consideration among such aliens in the order of the length of time in which they were so employed.

"(iii) The remaining visas shall be made available to other qualified nonimmigrants strictly in the chronological order in which they qualify. Waiting lists of applicants shall be maintained in accordance with regulations prescribed by the Secretary of State.

A spouse or child of such a nonimmigrant is not entitled to a visa or such status by virtue of such relationship, whether or not

accompanying or following to join the non-immigrant, but may be provided the same status as such a nonimmigrant if the spouse or child also in a qualified nonimmigrant to perform seasonal agricultural employment in production of a perishable commodity.

"(3)(A)(i) The Attorney General shall approve an application submitted under paragraph (2)(A) authorizing a person to employ a nonimmigrant described in section 101(a)(15)(P) if—

"(I) the person is a producer, and the non-immigrant is to be employed in the production, of perishable commodities (as defined by the Secretary of Agriculture under such section),

"(II) the application complies with the provisions of paragraph (2)(A) and sets forth the need for such nonimmigrants,

"(III) the person has not employed or petitioned for a nonimmigrant described in section 101(a)(15)(H)(ii)(a) in the production of perishable commodities at the time when an application on behalf of the person is pending or approved under this subsection, or during any previous period during which the employer had an application approved under this subsection, and

"(IV) the person is not disqualified under subparagraph (C).

"(ii) Except as provided under subparagraph (C), a person who is determined not to be eligible under clause (i) (other than because of subclause (IV) thereof) is entitled to an expedited review of the determination by the Attorney General.

"(B) Any person whose application to employ a nonimmigrant described in section 101(a)(15)(P) has been approved shall—

"(i) make a good faith effort to recruit in the area of intended employment willing and qualified domestic agricultural workers to perform agricultural employment in the production of perishable commodities until the date any nonimmigrants under section 101(a)(15)(P) admitted to the United States to perform such employment report to work,

"(ii) provide for such wages and working conditions (including conditions respecting the furnishing of housing) as do not adversely affect the wages and working conditions of workers in the United States similarly employed,

"(iii) provide (if the employment is not covered by State workers' compensation law), at no cost to the worker, insurance covering injury and disease arising out of and in the course of the workers employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment,

"(iv) not employ a nonimmigrant described in section 101(a)(15)(P) if there is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such employment,

"(v) not employ a nonimmigrant described in section 101(a)(15)(P) for services other than seasonal agricultural services in the production of perishable commodities, and

"(vi) be permitted, in complying under clause (ii) with applicable conditions of employment respecting the furnishing of housing for such nonimmigrants and at the person's option, in lieu of arranging for suitable housing accommodations, to substitute payment of a reasonable housing allowance to the provider of such housing, but only if such housing is in the proximate area of employment.

"(C) If the Attorney General determines, after opportunity for a hearing, that an em-

ployer has participated under the program and has violated a provision of subparagraph (B) or any other provision of this Act, the employer shall be disqualified from future eligibility under the program for a period of not longer than three years.

"(D)(i) It is unlawful for a person or other entity to hire, or recruit or refer, for employment in the United States a nonimmigrant alien described in section 101(a)(15)(P) unless the person or entity has an application approved under paragraph (3) with respect to the hiring of the alien.

"(ii) A person or entity that violates clause (i) shall be subject—

"(I) in the case of a person or entity which has not previously been determined (after opportunity for judicial review) to have violated such clause, to a civil penalty of up to \$1,000 for each alien so hired,

"(II) in the case of a person or entity which has previously been determined (after opportunity for judicial review) to have violated such clause in only one occasion, to a civil penalty of up to \$2,000 for each alien so hired, or

"(III) in the case of a person or entity which has previously been determined (after opportunity for judicial review) to have violated such clause in more than one occasion, to a civil penalty of up to \$3,000 for each alien so hired.

"(4) An alien admitted as a nonimmigrant under the program is not eligible for any program of financial assistance under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government.

"(5)(A) Funds appropriated under subsection (c)(5) shall be available for the purposes (i) of recruiting domestic workers for temporary labor and services which might otherwise be performed by nonimmigrants described in section 101(a)(15)(P), and (ii) of monitoring terms and conditions under which such nonimmigrants (and domestic workers employed by the same employers) are employed in the United States.

"(B) The Secretary of State is authorized to take such steps as may be necessary in order to expand and establish consulates in foreign countries in which aliens are likely to apply for nonimmigrant status under the program.

"(6) The Attorney General, in consultation with the Secretary of Agriculture and the Secretary of Labor, shall report to Congress semiannually regarding the program. Each such report shall include a statement of the number of nonimmigrant visas issued under the program, an evaluation of the effectiveness of the program, a description of any problems related to the enforcement of the program, and any recommendations for legislation relating to the program.

"(7) The provisions of this subsection preempt any State or local law on the same subject.

"(8)(A) The Attorney General shall establish by regulation a trust fund the purpose of which is to provide funds for the administration and enforcement of the program and to provide a monetary incentive for nonimmigrants participating in the program to return to their country of origin upon expiration of their visas under the program. The Attorney General shall promulgate such other regulations as may be necessary to carry out this paragraph.

"(B) In the case of employment of a nonimmigrant described in section 101(a)(15)(P)—

"(i) the employer shall provide for payment into the trust fund established under this section of (I) an amount equivalent to the amount of excise taxes which the employer would pay under the Federal Insurance Contributions Act with respect to such employment if it were considered employment for the purpose of such Act, and (II) an amount equivalent to (and in lieu of) the amount of excise taxes which the employer would otherwise pay under the Federal Unemployment Tax Act with respect to such employment, and

"(ii) there shall be deducted from the wages of the nonimmigrant and paid into such trust fund an amount equivalent to the amount of excise taxes that the employee would pay under the Federal Insurance Contributions Act with respect to such employment if it were considered employment for the purposes of such Act.

"(C)(i) Amounts described in subparagraph (B)(i) paid into the trust fund shall be used for the purpose of administering and enforcing the program.

"(ii) Amounts described in subparagraph (B)(ii) paid into the trust fund with respect to a nonimmigrant shall, upon application by the nonimmigrant at the United States consulate nearest the nonimmigrant residence in the country of origin, be paid to the nonimmigrant if the nonimmigrant demonstrates his or her compliance with the terms and conditions of the program."

"(c) The Attorney General, in consultation with the Secretary of Agriculture, the Secretary of State, and the Secretary of Labor, shall promulgate all regulations implementing the amendments made by this section. Notwithstanding any other provision of law, final regulations implementing such amendments shall first be issued, on an interim or other basis, not later than the first day of the seventh month beginning after the date of the enactment of this Act.

(d) It is the sense of Congress that the President should negotiate with representatives of the governments of labor source countries to establish bilateral advisory commissions in order to consult with and advise the Attorney General regarding—

(1) the regulations to be promulgated,

(2) the monthly and annual numerical limitations to be established,

(3) the entry, and preference, and visa issuance systems to be established, and

(4) problems arising under the program established,

under section 214(f) of the Immigration and Nationality Act.

(e)(1) The first sentence of section 204(a) (8 U.S.C. 1154(a)) is amended by inserting before the period the following: ", except that no petition for a preference immigrant under section 203(a)(3) or 203(a)(6) may be filed respecting an alien who is a nonimmigrant described in section 101(a)(15)(P)".

(2) Section 212(a) (8 U.S.C. 1182(a)) is amended by striking out the period at the end of paragraph (33) and inserting in lieu thereof a semicolon and by adding at the end the following new paragraph:

"(34) Aliens admitted as nonimmigrants under section 101(a)(15)(P) who fail to be continuously employed or actively seeking employment in agricultural labor or services in the production of perishable commodities (as defined for purposes of section 101(a)(15)(P)) in accordance with the usual

and customary employment patterns and practices."

(3) Section 244(b)(2)(A) (8 U.S.C. 1254(b)(2)(A)), as added by section 212(c)(2) of this Act, is amended by striking out "or (M)" and inserting in lieu thereof ", (M), or (P)".

(4) Section 245(c)(4) (8 U.S.C. 1255(c)(4)), as inserted by section 212(b) of this Act, is amended by striking out "or (O)" and inserting in lieu thereof ", (O), or (P)".

(5) Section 248(4) (8 U.S.C. 1258(4)), as added by section 213(d) of this Act, is amended by inserting "or (P)" after "101(a)(15)(O)".

TITLE III—LEGALIZATION

LEGALIZATION

SEC. 301. (a) Chapter 5 of title II is amended by inserting after section 245 (8 U.S.C. 1255) the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN ENTRANTS BEFORE JANUARY 1, 1982, TO THAT OF PERSON ADMITTED FOR LAWFUL RESIDENCE

"Sec. 245A. (a) The Attorney General may, in his discretion and under such regulation as he shall prescribe, adjust the status of an alien to that of an alien lawfully admitted for temporary residence if—

"(1) the alien has entered the United States, is physically present in the United States, and applies for such adjustment during the eighteen-month period beginning on a date (not later than 180 days after the date of the enactment of this section) designated by the Attorney General,

"(2)(A) the alien (other than an alien who entered as a nonimmigrant) establishes that he entered the United States prior to January 1, 1982, and has resided continuously in the United States in an unlawful status since January 1, 1982, or

"(B) the alien entered the United States as a nonimmigrant before January 1, 1982, the alien's period of authorized stay as a nonimmigrant expired before January 1, 1982, through the passage of time or the alien's unlawful status was known to the Government as of January 1, 1982, and the alien has resided continuously in the United States in an unlawful status since January 1, 1982; and

"(C) in the case of an alien who at any time was in a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien was not subject of the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof; and

"(3) the alien—

"(A) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3),

"(B) has not been convicted of any felony or of three or more misdemeanors committed in the United States,

"(C) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(D) registers under the Military Selective Service Act, if the alien is required to be so registered under that Act.

For purposes of this subsection, an alien in the status of a Cuban and Haitian entrant described in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422 shall be considered to have entered the United States and to be in an unlawful status in the United States. Notwithstanding paragraph (1), an alien who (at any time during the one-year period described in paragraph (1)) is the subject of an order to show cause issued under section 242, must make appli-

cation under such paragraph not later than the end of the thirty-day period beginning either on the first day of such one-year period or on the date of the issuance of such order, whichever day is later.

"(b)(1) The Attorney General, in his discretion and under such regulations as he may prescribe, may adjust the status of any alien provided lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the alien—

"(A) applies for such adjustment during the one-year period beginning with the thirteenth month that begins after the date the alien was granted such temporary resident status;

"(B) establishes that he has continuously resided in the United States since the date the alien was granted such temporary resident status;

"(C)(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3), and

"(ii) has not been convicted of any felony or of three or more misdemeanors committed in the United States;

"(D) can demonstrate that he either (i) meets the requirements of section 312 (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States), or (ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States; and

"(E) can demonstrate, in the case of an alien who is accompanied by a dependent child who is subject to a State law requiring compulsory school attendance, that the child is enrolled (or arranging for enrollment) in an elementary or secondary school or other course of instruction which complies with such law.

An alien shall not be considered to have lost the continuous residence referred to in subparagraph (B) by reason of an absence from the United States permitted under paragraph (3)(A). The Attorney General may, in his discretion, waive all or part of the requirements of subparagraph (D) in the case of an alien who is 65 years of age or older.

"(2) The Attorney General shall provide for the rescission of temporary resident status granted an alien under subsection (a)—

"(A) if it appears to the Attorney General that the alien was in fact not eligible for such status,

"(B) if the alien commits an act that (i) makes the alien inadmissible to the United States as an immigrant, except as otherwise provided under subsection (c)(3), or (ii) is convicted of any felony or three or more misdemeanors committed in the United States, or

"(C) at the end of the twenty-fifth month beginning after the date the alien is granted such status, unless the alien has filed an application for adjustment of such status pursuant to paragraph (1) and such application has not been denied.

"(3) In the case of an alien during the period he is granted lawful temporary resident status under subsection (a)—

"(A) the Attorney General shall, in accordance with regulations, permit the alien to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to adjust to lawful permanent resident status under paragraph (1) and after brief temporary trips abroad occasioned by a family obliga-

tion involving an occurrence such as the illness or death of a close relative or other family need,

"(B) the Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an 'employment authorized' endorsement or other appropriate work permit, and

"(C) the alien shall not be deported or otherwise removed from the United States by the Attorney General or other law enforcement agent of the United States except pursuant to a lawful deportation proceeding or other due process of law.

"(c)(1)(A) The Attorney General shall provide that applications for adjustment of status under subsection (a) or under subsection (b)(1) may be made to and received, on behalf of the Attorney General, by qualified voluntary agencies and other qualified State, local, and community organizations, which have been designated for such purpose by the Attorney General and by other persons, so designated, who the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209 or 245, Public Law 89-732, or Public Law 95-145.

"(B) Files and records of designated agencies, organizations, and persons under this paragraph are confidential and the Attorney General and the Service shall not have access to such files or records relating to an alien without the consent of the alien.

"(C) In the case of an alien who submits an application under subsection (a) or under subsection (b)(1) to the Attorney General (or to an agency, organization, or person designated under subparagraph (A) and who approves the forwarding of the application to the Attorney General), the alien is subject to a criminal penalty under section 1001 of title 18, United States Code, for knowingly and willfully making false, fictitious, or fraudulent statements in the process of submitting the application. An agency, organization, or person designated under subparagraph (A) which receives such a statement and which, without knowledge that it is false, fictitious, or fraudulent and with the consent of the alien involved, forwards the statement to the Attorney General is not subject to such a penalty.

"(2) The numerical limitations of sections 201 and 202 shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

"(3)(A) The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not be applicable in the determination of an alien's admissibility under subsections (a)(3)(A), (b)(1)(C)(i) and (b)(2)(B)(i) and the Attorney General, in making such determination, may waive any other provision of such section other than paragraph (9), (10), (15) (except as it applies to the adjustment to lawful temporary resident status under subsection (a)), (23) (except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana), (27), (28), (29), or (33) with respect to the alien involved for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. For purposes of this section, an alien shall not be excludable under section 212(a)(15) if the alien demonstrates a history of employment evidencing self-support without reliance on public cash assistance.

"(B) In determining whether or not an alien is admissible to the United States for purposes of this section, the alien shall be required, at the alien's expense, to meet the same requirements with respect to a medical examination as are required of aliens seeking entry into the United States as immigrants.

"(4) Beginning not later than the date designated by the Attorney General under subsection (a)(1) the Attorney General in cooperation with agencies, organizations, and persons designated under paragraph (1), shall broadly disseminate, in English and other appropriate languages" after "broadly disseminate information respecting the benefits which aliens may receive under this section and the requirements to obtain such benefits. Such information shall include (A) information respecting the requirements that aliens with lawful temporary resident status would have to meet to have their status adjusted to permanent resident status under subsection (b)(1) and the facilities available to provide education and employment training and opportunities in order to meet such requirements, (B) information on the conditions under which temporary lawful residence status can be rescinded under subsection (b)(2), (C) information on conditions for employment and foreign travel of aliens with lawful temporary residence status under subsection (b)(3), and (D) information respecting compulsory school enrollment requirements for minors in the various States and localities and the identification of the appropriate schools in which children should be enrolled.

"(5)(A) Notwithstanding any other provision of law, the Attorney General (and, to the extent applicable, the Secretary of Health and Human Services) shall first issue, on an interim or other basis and before the beginning of the one-year period described in subsection (a)(1), such regulations as are necessary to implement this section on a timely basis.

"(B) The Attorney General, after consultation with the Committee on the Judiciary of the House of Representatives and the Senate and with agencies, organizations, and persons designated pursuant to paragraph (1)(A), shall prescribe regulations establish a definition of the term 'resided continuously', as used in this section, and for establishing the requirements necessary to prove eligibility for immigration benefits under this section. Such regulations may be prescribed to take effect on an interim basis if the Attorney General determines that this is necessary in order to implement this section in a timely manner.

"(6)(A) The Attorney General shall provide that in the case of an alien who is apprehended before the end of the application period described in subsection (a)(1) and who can establish a nonfrivolous case of eligibility to have his status adjusted under subsection (a) (but for the fact that he may not apply for such adjustment until such period), until the alien has had a reasonable opportunity to complete the filing of an application for adjustment during the period, the alien—

"(i) may not be deported or excluded, and

"(ii) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(B) The Attorney General shall provide that in the case of an alien who presents a nonfrivolous application for adjustment of

status under subsection (a) during such application period, and until a final determination on the application has been made in accordance with this section, the alien—

"(i) may not be deported or excluded, and

"(ii) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(C) The Attorney General shall provide that in the case of an alien who is apprehended before the end of such application period, the alien shall be advised that—

"(i) the alien may be eligible to have his status adjusted under this section,

"(ii) an alien who can establish a nonfrivolous case of eligibility for such adjustment under this section shall not be deported or excluded until a final determination on the application has been made in accordance with this section, and

"(iii) the alien may contact such voluntary agencies, or other qualified State, local, and community organizations, as are designated by the Attorney General, for assistance in determining whether or not the alien has a nonfrivolous case for adjustment of status under this section.

The Attorney General shall make available a list of voluntary agencies or other qualified organizations to such aliens.

"(7) The provisions of this section shall not apply to an alien described in section 2(b) of Public Law 97-271.

"(d)(1) During the five-year period beginning on the date an alien was granted lawful temporary resident status under subsection (a) and during the five-year period beginning on the date an alien is provided a record of lawful admission for permanent residence under section 249 based on an entry into the United States on or after June 30, 1948, and notwithstanding any other provision of law—

"(A) except as provided in paragraph (2), the alien is not eligible for—

"(i) any program of financial assistance furnished under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government,

"(ii) medical assistance under a State plan approved under title XIX of the Social Security Act, and

"(iii) assistance under the Food Stamp Act of 1977, and

"(B) a State or political subdivision therein may, to the extent consistent with subparagraph (A), provide that the alien is not eligible for the programs of financial assistance or for medical assistance described in subparagraph (A)(ii) furnished under the law of that State or political subdivision.

Programs authorized under the National School Lunch Act, the Child Nutrition Act of 1966, the Vocational Education Act of 1963, chapter 1 of the Education Consolidation and Improvement Act of 1981, the Headstart-Follow Through Act, the Job Training Partnership Act, and subparts 4 and 5 of part A of title IV of the Higher Education Act of 1965 shall not be construed to be programs of financial assistance referred to in subparagraph (A)(i). Programs authorized under the Public Health Service Act and title V of the Social Security Act shall not be construed to be programs of financial assistance referred to in subparagraph (A)(i).

"(2) Paragraph (1) shall not apply—

"(A) to a Cuban and Haitian entrant (as defined in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422, as in effect on April 1, 1983);

"(B) in the case of assistance furnished to an alien who is an aged, blind, or disabled individual (as defined in section 1614(a)(1) of the Social Security Act), or

"(C) in the case of medical assistance (i) for care and services provided to an alien who is under 18 years of age, (ii) for emergency services (as defined for purposes of section 1916(a)(2)(D) of the Social Security Act) or (iii) for services described in section 1916(a)(2)(B) of such Act (relating to services for pregnant women).

The eligibility, comparability, and any other State plan requirements of title XIX of the Social Security Act are superceded to the extent required to restrict the medical assistance in the manner described in subparagraph (C) and paragraph (1)(A)(ii). The Secretary of Health and Human Services, in coordination with the Attorney General, shall promulgate regulations in order to carry out subparagraphs (B) and (C).

"(3) For the purpose of section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), assistance shall be continued under such section with respect to an alien without regard to the alien's adjustment of status under this section.

"(e)(1) There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

"(2) An alien whose application for adjustment of status under this section is denied is entitled to a de novo hearing with respect to such application if a notice of request for such hearing is made within a reasonable time (of not less than thirty days, as established by the Attorney General) of the date of the notice of the denial. Only one such de novo hearing may be requested with respect to any alien. The hearing shall be conducted before an administrative law judge in accordance with the requirements of section 554 of title 5, United States Code, and rules of the United States Immigration Board established under section 107.

"(3)(A) If such a hearing is timely requested, any further administrative or judicial review (whether in a deportation proceeding or otherwise) of the determination on the application for adjustment shall be based solely upon the administrative record upon which the order is based and the administrative law judge's findings of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(B) If an alien does not make a timely request for a de novo hearing under paragraph (2), any administrative or judicial review shall be based solely on the administrative record upon which the determination on the application was made.

"(4) An applicant may elect to have administrative appellate review by the United States Immigration Board of a determination respecting an application for adjustment under this section only once, either in a review of a determination after a de novo hearing under paragraph (2) or in a review of a deportation order respecting the applicant.

"(5) There shall be no judicial review of a denial of an alien's application for adjustment except in the judicial review under section 106 of an order of deportation with respect to the alien."

(b) The table of contents for chapter 5 of title II is amended by inserting after the item relating to section 245 the following new item:

"Sec. 245A. Adjustment of status of certain entrants before January 1, 1982, to that of person admitted for lawful residence."

(c) The President shall transmit to Congress, not later than 27 months after the date of the enactment of this Act, a report on the impact of the enactment of the legalization program described in section 245A of the Immigration and Nationality Act, including such impact on State and local governments and on public health and medical needs of individuals in the different regions of the United States.

CUBAN-HAITIAN ADJUSTMENT

Sec. 302. (a) The status of any alien described in subsection (b) may be adjusted by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien applies for such adjustment within two years after the date of the enactment of this Act;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (14), (15), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply;

(3) the alien is not an alien described in section 243(h)(2) of such Act;

(4) the alien is physically present in the United States on the date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States since January 1, 1982.

(b) The benefits provided by subsection (a) shall apply to any alien—

(1) who has received an immigration designation as a Cuban/Haitian Entrant (Status Pending) as of the date of the enactment of this Act, or

(2) who is a national of Cuba or Haiti, who arrived in the United States before January 1, 1982, with respect to whom any record was established by the Immigration and Naturalization Service before January 1, 1982, and who (unless the alien filed an application for asylum with the Immigration and Naturalization Service before January 1, 1982) was not admitted to the United States as a nonimmigrant.

(c) An alien who, as of the date of the enactment of this Act, is a Cuban and Haitian entrant for the purpose of section 501 of Public Law 96-422 shall continue to be considered such an entrant for such purpose without regard to any adjustment of status effected under this section.

(d) Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent residence as of January 1, 1982.

(e) When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under this Act and the Attorney General shall not be required to charge the alien any fee.

(f) Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act

shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

UPDATING REGISTRY DATE TO JANUARY 1, 1973

Sec. 303. (a) Section 249 (8 U.S.C. 1259) is amended—

(1) by striking out "June 30, 1948" in the heading and inserting in lieu thereof "January 1, 1973"; and

(2) by striking out "June 30, 1948" in paragraph (a) and inserting in lieu thereof "January 1, 1973".

(b) The item in the table of contents relating to section 249 is amended by striking out "June 30, 1948", and inserting in lieu thereof "January 1, 1973".

STATE LEGALIZATION ASSISTANCE

Sec. 304. (a) There are authorized to be appropriated to carry out subsections (b) and (c) of this section such sums as may be necessary for fiscal year 1984 and for each of the three succeeding fiscal years.

(b)(1) Subject to the amounts provided in advance in appropriation Acts, the Secretary of Health and Human Services shall provide reimbursement to each State (as defined in paragraph (2)(A)) for 100 per centum of the costs of programs of public assistance (as defined in paragraph (2)(B)) provided to any eligible legalized alien (as defined in paragraph (2)(C)).

(2) For purposes of this subsection:

(A) The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

(B) The term "programs of public assistance" means programs existing in a State or local jurisdiction which—

(i) provide for cash, medical, or other assistance designed to meet the basic subsistence or health needs of individuals or required in the interest of public health,

(ii) are generally available to needy individuals residing in the State or locality, and

(iii) receive funding from units of State or local government.

(C) The term "eligible legalized alien" means—

(i) an alien who was granted lawful temporary resident status under section 245A(a) of the Immigration and Nationality Act, but only until the end of the five-year period beginning on the date the alien was granted such status; and

(ii) an alien who has been provided a record of lawful admission for permanent residence under section 249 of such Act based on an entry into the United States on or after June 30, 1948, but only until the end of the five-year period beginning on the date the alien was provided such record.

(c)(1) Subject to the amounts provided in advance in appropriation Acts and in accordance with this section, the Secretary of Education shall make payments to State educational agencies for the purpose of assisting local educational agencies of that State in providing educational services for eligible legalized aliens (as defined in subsection (b)(2)(C)).

(2) The definitions and provisions of titles I through IV of Refugee Education Assistance Act of 1980 shall apply to payments under this subsection in the same manner as they apply to grants and payments under those titles, except that, in applying this paragraph, any reference in such titles to an "eligible participant" shall be deemed to be a reference to an "eligible legalized alien".

AMENDMENTS TO THE REFUGEE EDUCATION ASSISTANCE ACT

Sec. 305. The Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended—

(1) by striking out "each of the fiscal years 1981, 1982, 1983," in section 102(a) and inserting in lieu thereof "fiscal year 1981 and for each subsequent fiscal year";

(2) in the first sentence of section 201(c) by inserting "from State or local educational agencies" after "not available" and by inserting "from the most recent data available from the Immigration and Naturalization Service" after "of estimates";

(3) in the first sentence of section 301(c) by inserting "from State or local educational agencies" after "not available" and by inserting "from the most recent data available from the Immigration and Naturalization Service" after "of estimates"; and

(4) by adding at the end of section 402(a) the following new sentence: "Funds available under this title shall, to the maximum extent feasible, be used for programs of instruction of such adult refugees in order that they may gain an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language, and a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States."

TITLE IV—EXTENDED VOLUNTARY DEPARTURE FOR SALVADORANS

EXTENDED VOLUNTARY DEPARTURE FOR SALVADORANS

Sec. 401. It is the sense of Congress that in the case of nationals of El Salvador who otherwise qualify for voluntary departure (in lieu of deportation) under the Immigration and Nationality Act, the Attorney General shall extend the date such aliens are required to depart voluntarily until such date as the Secretary of State determines that the situation in El Salvador has changed sufficiently to permit their safely returning to El Salvador.

TITLE V—NATIONAL COMMISSION ON IMMIGRATION

NATIONAL COMMISSION ON IMMIGRATION

Sec. 501. (a) There is established a National Commission on Immigration (hereinafter in this section referred to as the "Commission") to conduct studies and analyses and to report to Congress concerning—

(1)(A) the push and pull factors affecting unauthorized immigration to the United States,

(B) the development, in partnership with Latin American countries, of reciprocal trade and economic development programs of mutual benefit,

(2) the incentives for employers in the United States to employ aliens who are not authorized to be so employed,

(3) the reliance of the agricultural industry on the employment, on a temporary basis, of aliens not authorized to be employed in the United States, and

(4) the existence and extent of backlogs for the issuance of immigrant visas to aliens

who have approved petitions for immigrant preference status.

(b)(1) With respect to the topics described in subsection (a), the Commission shall—

(A) review and analyze the economic and social conditions, patterns, and trends in the United States and in foreign countries which affect unauthorized immigration into the United States, the short-term and long-term problems in the United States and elsewhere associated with such unauthorized immigration, and potential solutions to such problems;

(B) take into account, in such reviews and analyses—

(i) prevailing and projected demographic, technological, and economic trends affecting immigration into the United States;

(ii) the impact of immigration laws, and their enforcement, on unauthorized immigration and on social and economic conditions in foreign countries;

(iii) how unemployment in particular areas and occupations in the United States is affected by unauthorized immigration; and

(iv) the laws, policies (including trade policies), and procedures governing economic and diplomatic relations between the United States and foreign countries; and

(C) make recommendations respecting additional statutory and other changes that should be made to best deal with unauthorized immigration into the United States.

(2) With respect to the topic described in subsection (a)(1)(B), the Commission shall review and study the short- and long-term measures promoting reciprocal trade and economic development programs of mutual benefit to the United States and Latin American countries. The Commission's reviews and analyses under this paragraph shall focus on, and be conducted in close consultation with the governments of, those foreign countries from which nationals are most likely to immigrate without prior authorization to the United States. The Commission shall present its recommendations to the Congress with respect to this topic not later than 18 months after the date of the enactment of this Act.

(c)(1) The Commission shall be composed of fifteen members as follows:

(A) Five members appointed by the President, not more than three of whom are members of the same political party and not more than three of whom are officers or employees of the Federal Government.

(B) Five members appointed by the Speaker of the House of Representatives, not more than three of whom are members of the same political party and not more than two of whom are members of Congress.

(C) Five members appointed by the President pro tempore of the Senate, not more than three of whom are members of the same political party and not more than two of whom are members of Congress.

In making such appointments, due consideration shall be given to securing representatives on the Commission from a variety of constituencies, including State and local government officials and individuals and representatives of organizations with experience or expertise in immigration matters. Appointments to the Commission shall be made within ninety days after the date of the enactment of this section. Members shall be appointed in a manner that provides for balanced representation of all interests.

(2) The chairman and the vice chairman of the Commission shall be elected from among the members. The term of office of

the chairman and vice chairman shall be for the life of the Commission.

(3) The chairman may invite for the purpose of participating in any meeting or hearing held by the Commission, and for the purpose of contributing to the studies to be conducted and the recommendations to be developed by the Commission, such representatives of the governments of countries as the Commission deems desirable.

(d)(1) Members shall be appointed for the life of the Commission.

(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(4) The Commission shall meet at the call of the chairman or a majority of its members.

(e)(1) Each member of the Commission who is not an officer or employee of the Federal Government shall, subject to such amounts as are provided in advance in appropriations Acts, receive \$150 for each day (including traveltime) during which the member is engaged in the actual performance of duties of the Commission.

(2) Members of the Commission who are officers or employees of the Federal Government shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(f)(1) The Commission shall have a director who shall be appointed by and whose rate of pay shall be fixed by the chairman.

(2) The chairman may appoint and fix the rate of pay of such additional personnel as the chairman deems desirable.

(3) The director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(g)(1) The Commission may for the purpose of carrying out its duties hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable. To the extent feasible, the Commission shall hold at least some hearings in the border regions of the United States.

(2) The Commission shall, to the maximum extent feasible, conduct its activities through the establishment of three expert panels, each of the panels to provide detailed information and recommendations to the Commission respecting one of the topics described in subsection (a).

(3) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants at a rate to be fixed by the Commission, but not in excess of \$150 per diem (including traveltime). While away from his home or regular place of business in the performance of services for the Commission, any such person may be allowed travel expenses including per diem in lieu of subsistence.

(4) The Commission may secure directly from any department or agency of the United States information necessary to

unable it to carry out its duties. Upon request of the chairman, the head of such agency or department of the United States shall furnish all information requested by the Commission which is necessary to enable it to carry out its duties.

(5) The Commission may accept, use, and dispose of gifts or donations of services or property.

(6) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(7) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h)(1) The Commission shall transmit a report to the Congress not later than three years after the date of the enactment of this Act. Such report shall include a summary of the reviews and analyses conducted by or on behalf of the Commission and such recommendations as the Commission deems appropriate.

(2) The Commission shall cease to exist on the thirtieth day beginning after the date of the transmission of the report under paragraph (1).

(i) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

TITLE VI—CONSULTATION IN IMPLEMENTATION OF ACT

COOPERATION WITH STATE AND LOCAL TASK FORCES

SEC. 601. In order to provide for a highly coordinated and cooperative effort in the implementation of this Act and to insure that such implementation is fair and effective, the Attorney General, the Secretary of Labor, and the Secretary of Health and Human Services shall regularly consult and maintain close contact with regional and local advisory task forces established by State and local governments composed of interested private public sector organizations. These task forces may—

(1) review and comment on regulations and procedures proposed to carry out this Act;

(2) monitor and evaluate the implementation of this Act; and

(3) recommend such actions as may be necessary to improve implementation of this Act in their respective areas.

The Attorney General, the Secretary of Labor, and the Secretary of Health and Human Services shall consider the recommendations of these task forces in the implementation.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey [Mr. RODINO].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1510) was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE AMENDMENT TO S. 529

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the Clerk, in engrossing the House amendment to

S. 529, make such corrections in section and title numbers and references, indentation and punctuation, as may be necessary to reflect the actions of the House.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation may have permission to sit while the House is under the 5-minute rule on Thursday, June 21, 1984.

The minority is in agreement with this request.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF THE COMMITTEE ON THE JUDICIARY TO MEET TOMORROW DURING 5-MINUTE RULE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary be permitted to meet tomorrow, June 21, 1984, during proceedings in the House under the 5-minute rule.

We have cleared this with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON H.R. 5898, MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1985

Mr. HEFNER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-850) on the

bill (H.R. 5898) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1985, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. REGULA reserved all points of order on the bill.

REPORT ON H.R. 5899, DISTRICT OF COLUMBIA APPROPRIATION BILL, 1985

Mr. DIXON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-851) on the bill (H.R. 5899) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. REGULA reserved all points of order on the bill.

THR ORGAN TRANSPLANT ACT OF 1984

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 507 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 507

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5580) to amend the Public Health Service Act to authorize financial assistance for organ procurement organizations, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of clause 2(1)(5)(B) of rule XI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 5580, the House shall proceed, section 401(b)(1) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to the consideration of the bill S. 2048, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 5580 as passed by the House.

□ 1720

The SPEAKER. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], for purposes of debate only, pending which I yield myself such time as I may consume.

ORGAN TRANSPLANT ACT

Mr. Speaker, House Resolution 507 provides for the consideration of H.R. 5580, the Organ Transplant Act of 1984. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. It is an open rule. The rule waives clause 2(1)(5)(B) of rule XI which requires the cover of the committee report to bear a recital that minority views are included in the report.

The rule further provides that the bill be read by titles instead of by sections with each title considered as having been read, and provides one motion to recommit.

After passage of H.R. 5580 the rule makes in order consideration of the Senate comparison bill, S. 2048. The rule waives section 401(B)(1) of the Congressional Budget Act against S. 2048. That section of the Budget Act prohibits consideration of legislation providing new entitlement authority which would become effective before October 1 of the calendar year in which the bill is reported. This waiver is necessary because the Senate bill provides daily rate of pay for the members of the organ transplant task force and provides an entitlement for the compensation of the executive director at level V of the Federal pay scale. Since these provisions would immediately be effective upon enactment of the bill and possibly prior to the beginning of fiscal year 1985, the waiver was granted.

Mr. Speaker, H.R. 5580 is designed to strengthen the ability of the Nation's health care system to provide organ transplants to thousands of patients across the country. The bill provides the framework for a nationwide organ transplantation network. Funds are authorized to assist communities in developing and strengthening local organ procurement agencies. These local agencies will be linked together by a 24-hour computer matching system and National Patients Registry. H.R. 5580 would authorize appropriations of \$10 million in fiscal year 1985 and \$20 million in fiscal year 1986 to implement these programs.

Mr. Speaker, one of the issues of concern in the 98th Congress is the need for a more efficient and comprehensive nationwide network to match organ donors with the many individuals in the country who are in desper-

ate need of a transplant. The transplantation of human organs has revolutionized the practice of medicine and prolonged human existence; for previously fatal or debilitating disease there is now hope for recovery.

Mr. Speaker, you may recall that during the fall of 1982, the plight of a 3-year-old, Jamie Fisk of Bridgewater, MA, became known throughout the Nation when her parents went before the American Pediatrics Association Conference to appeal for assistance in locating a critically needed liver donor for Jamie. With the help of the medical community, a compatible donor organ was found and successfully transplanted, today Jamie is a healthy and happy little girl. Without this transplant Jamie would not be alive today.

Mr. Speaker, Jamie Fisk is the best example of the hope that exists through this extraordinary surgical procedure and also of the immense need for a nationwide network to match organ donors with those individuals who are in desperate need of transplants.

This is a worthwhile program which I enthusiastically support. I urge my colleagues to adopt House Resolution 507 so that the House will have an opportunity to consider this very important legislation.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the Rules Committee there was no objection to the provisions of the rule, which have been fully explained. However, there was difference of opinion over the provisions in the bill.

This bill is supposed to increase the number of organs donated by providing grants to local organ procurement organizations. It specifically authorizes appropriations of \$4 million in 1985, \$8 million in 1986, \$12 million in 1987, and \$16 million in 1988 for grants to organ procurement organizations for planning, establishment, and initial operation.

The bill also permits funding of up to \$2 million each fiscal year for a U.S. Transplantation Network.

In addition appropriations of \$10 million in 1985 and \$20 million in 1986 are authorized to allow the Secretary of Health and Human Services to provide, free of charge, immunosuppressive drugs to transplant centers. According to the Congressional Budget Office this level of funding is relatively small compared to the amount that would be necessary to supply immunosuppressive drugs to all transplant patients.

The bill establishes an identifiable administrative unit in the Public Health Service to coordinate Federal organ transplant policies and programs. The bill mandates an annual report on the scientific status of transplant procedures and provides for a

task force to study the medical and ethical issues raised by organ transplantation.

The bill specifically prohibits the buying and selling of human organs.

Mr. Speaker, at the time of the Rules Committee meeting, the Office of Management and Budget provided a statement of administration policy opposing enactment of this bill in its present form.

The administration would support amendments to: First, eliminate the requirement for the Secretary of Health and Human Services to make immunosuppressive drugs available at no cost to certain transplant centers for distribution; and, second, to eliminate the establishment and operation of the U.S. Government Transplantation Network to procure and distribute organs. The administration would support the establishment of a task force to develop a plan for a national organ procurement and distribution network which would emphasize private sector involvement.

Mr. Speaker, under the open amending procedure in this rule, the House will be able to make necessary improvements in the bill. I support the adoption of the rule so that the House may proceed to consider the organ transplant legislation.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 507 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5580.

□ 1729

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5580) to amend the Public Health Service Act to authorize financial assistance for organ procurement organizations, and for other purposes, with Mrs. Boggs in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes and the gentleman from Illinois [Mr. MADIGAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

□ 1730

Mr. WAXMAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this legislation is the product of extensive work by members of the Committees on Energy and Commerce and Science and Technology, and leaders in the field of organ transplantation. There is wide agreement among scientists, surgeons, and patients that the Nation's system for procuring human organs could be made more effective.

The National Organ Transplant Act is the product of nine hearings involving the Subcommittee on Health and the Environment of the Energy and Commerce Committee and the Subcommittee on Investigations and Oversight of the Science and Technology Committee.

We have heard the views of scientists, surgeons, and patients. All were concerned about the need to make the procurement of human organs for transplantation more effective.

These public hearings demonstrated that our system for obtaining organs for transplantation is inefficient. Studies indicate that there are approximately 20,000 potential organ donors each year, but fewer than 15 percent become organ donors. Of these donations the overwhelming majority are for kidneys. The percentages for liver and heart donations are significantly lower.

Organ transplantation is a scientific miracle, but it has placed special demands upon our health care delivery system. As this medical technology becomes more sophisticated the gaps between available donors and transplant patients will widen. Chaos and public bitterness will inevitably result.

Today there are literally thousands of patients on waiting lists. Next year there will be thousands more. These patients need a health care delivery system in which organ transplantation is performed on a systematic, equitable and, most importantly, routine basis.

In the absence of better planning and coordination of transplant services, these operations may become a medical option available only to the rich or those fortunate enough to attract the attention of the President of the United States or the news media.

H.R. 5580 contains five major provisions:

First, an authorization of \$40 million, over 4 fiscal years, for grants to strengthen and expand local organ procurement organizations;

Second, development of a national computer system to speed the matching of donor organs with waiting recipients;

Third, an authorization of \$30 million over 2 fiscal years to assist trans-

plant patients in paying for the high costs of immunosuppressive drugs;

Fourth, preparation of an annual report on the scientific status of transplant procedures and development of a scientific registry of transplant patients; and

Fifth, prohibition on the buying and selling of human organs.

I am pleased to say this legislation has virtually unanimous support within the health, medical, and scientific communities. It has been endorsed by virtually every medical and scientific body involved in transplantation. These organizations include:

American Society of Transplant Surgeons; Association of Independent Organ Procurement Agencies; North American Transplant Coordinators Organization; South-Eastern Organ Procurement Foundation; American Heart Association; and American Nurses Association.

Madam Chairman, organ transplantation is a scientific miracle. It has made it possible for life to be passed along in the event of tragedy.

H.R. 5580 will increase the supply of organs available for transplantation and will enhance our research into improving the efficacy of transplant procedures. We have all heard pleas for help. We have heard direct pleas from our constituents. We have heard silent pleas in the faces of small children the media have brought into our homes. There is a genuine sense of urgency to the legislation.

Madam Chairman, several Members deserve special recognition for their strong support and contribution to this legislation.

Particularly, I want to single out ALBERT GORE, chairman of the Subcommittee on Investigations and Oversight of the House Science and Technology Committee, who conducted an exhaustive series of hearings identifying gaps in our organ procurement system and highlighting the need for Federal legislation, and indeed the legislation that is before us in the Gore bill.

EDWARD MADIGAN, the ranking minority member of the Subcommittee on Health and the Environment, is an original cosponsor of this legislation and has demonstrated a strong commitment to strengthening our procurement system by stimulating private sector activities in this area.

DOUG WALGREN, a senior member of the Subcommittee on Health and the Environment, deserves special recognition for his sponsorship of an amendment to authorize appropriations to assist transplant patients in paying for the costs of immunosuppressive drugs. This provision will dramatically increase the effectiveness of organ transplants.

I urge each Member's support for this important legislation.

The CHAIRMAN. The gentleman from California [Mr. WAXMAN] has consumed 4 minutes.

Mr. MADIGAN. Madam Chairman, I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN] an original cosponsor of the bill.

Mr. SKEEN. Madam Chairman, as an original cosponsor of this bill, I have a very personal and long-time interest in this kind of legislation, and I want to commend the gentleman from Tennessee [Mr. GORE] who took the initiative for the hearings and under whose direction the bill was prepared. I think it does exactly, as was mentioned earlier by the gentleman from California [Mr. WAXMAN] it fills a gap in the social and human services concerning the issue of organ transplants in the United States today.

I particularly want to talk about one area of particular concern because I think it has been the point of argument concerning this particular issue throughout some of the committees, and that is the efficacy of immunosuppressants, whether they are economically feasible methods of treatment today with new technology and new drugs.

I want to say that in my view they are certainly proving to be cost effective. It certainly makes more sense to me to see people under public programs, particularly those in the Federal sector, that lend themselves to the money and the finance of organ transplants and the medical technology necessary to improve the efficiency and the success of these particular types of therapies. It makes far more sense to me that new kinds of immunosuppressants be OK'd under these programs financed by the medicare and medicaid programs rather than trying to finance an illness to its termination.

I think that during the discourse, if there is an expanded discussion on this bill, I think we can very well establish this particular point.

I want to thank those who have been involved in the subcommittee's work for the opportunity to work with them on an issue that I think has come into its own time, and I appreciate very much the gentleman from Illinois [Mr. MADIGAN] giving me this time.

The CHAIRMAN. The gentleman from Illinois [Mr. MADIGAN] has consumed 3 minutes.

Mr. WAXMAN. Madam Chairman, it is my pleasure to yield such time as he may consume to the author of this legislation, the gentleman who has seen this issue through from its inception, when he first held hearings many months ago, to the point now where I hope the House of Representatives is ready to pass this legislation, the gentleman from Tennessee [Mr. GORE].

Mr. GORE. Madam Chairman, I want to thank the distinguished chairman of the subcommittee, whose friendship and support on this legislation and on so many other matters has meant a great deal to me personally, and I would argue with anybody, a great deal to the people of this country because he is an outstanding leader in the field of health. It is a joy to work with him.

I want to thank also the gentleman from Illinois [Mr. MADIGAN] the ranking member of the Health Subcommittee, who is also an outstanding leader in the field of health.

The team here, which is sometimes in sharp disagreement with each other, but other times agreeing when the best interests of the country are involved, is really a remarkable one that has resulted in tremendous legislation and tremendous compromises.

I want to thank my ranking minority member, the gentleman from New Mexico [Mr. SKEEN] on the Science Investigations Subcommittee, who was side by side with me through all of the hearings that opened this issue up. He has really done an outstanding job in crafting the compromise legislation that has such strong bipartisan support which we bring to the floor today and tomorrow.

Madam Chairman, Thomas Jefferson once wrote, "Laws and institutions must move forward hand in hand with the progress of the human mind." In this instance, the progress of the human mind has brought us nearly miraculous results with the procedure of organ transplantation, and yet our laws and institutions have lagged far behind.

Madam Chairman, during the past 5 years, we have witnessed remarkable scientific advances that have significantly improved the effectiveness of surgery to transplant human organs. These advances have put a tremendous strain on our limited ability to find the necessary organs.

Sixteen months ago, I began to seriously look at this issue after I was approached by a family from Tennessee who sought my help in their search for an organ donor. This led to a series of 5 days of investigative hearings by my Science and Technology Investigations Subcommittee. The hearings included testimony by the experts in all facets of organ transportation and procurement.

With the hard work of the Health Subcommittee chairman, Mr. WAXMAN, and the ranking member, Mr. MADIGAN, and the ranking member of my subcommittee, Mr. SKEEN, and after countless hours of meetings with the scientific and medical experts in the field, we were able to take all this information and use it to draft H.R. 5580, the National Organ Transplant Act. It is a bill that will strengthen the

ability of our Nation's health care system to provide organ transplants.

I might say that there are many other Members of this body who have contributed significantly to this bill, some of whom will be speaking during this debate.

Madam Chairman, the need for this bill is great. Although more than a year has passed since as a nation we became aware of the pleas for help, many thousands of Americans of all ages are still on the waiting lists for transplants. The problems have not been solved. There was additional evidence of this need provided by the President when he used a nationally broadcast radio address to make an appeal on behalf of a child from Texas in need of a donor. We were all grateful for the President's help, but unfortunately that child died still waiting for a donor. Each week lives continue to be lost unnecessarily and suffering continues that can be prevented. The time has come to help these people.

H.R. 5580 provides the answers families have been patiently waiting for. It has the overwhelming support of virtually every professional group involved in transplantation. It echoes the conclusions and recommendations of numerous Government studies of the problem.

I would like to take just a moment to share with you the reasons why this legislation is so crucial if we are to overcome the barriers that have prevented the existing organ retrieval system from being able to meet this Nation's growing need for transplantable organs.

We have entered a new era in health care as a result of the miraculous improvement in organ transplantation. The medical community's surgical and medical prowess has given many individuals, who only recently would have faced certain death, the promise of renewed hope and a real chance of returning to a normal life. In addition, not only are lives saved, but organ transplants often actually save money. In a cost study done by the Health Care Financing Administration [HCFA], of the various therapies provided by the End Stage Renal Disease [ESRD] program, patients receiving kidney transplants saved the program millions of dollars. For every increase of 1,000 patients transplanted each year, by 5 years, not only would \$12 million be saved, but 800 lives as well. Other studies have shown that kidney transplants, because of the vast improvement they make in the quality of life for kidney patients, are clearly the treatment of choice.

With these facts in mind, it has been a deep disappointment to me that our Nation is not better prepared to accept this new technology.

The shortage of transplantable organs is not the result of a shortage of potential donors. During hearings I

held last year, estimates put the number of suitable donors of cadaveric organs at about 20,000 per year. Unfortunately, last year in almost 90 percent of these cases the tragedy of these brain deaths was compounded by the lack of organ donation. The gift capable of saving the life or relieving the suffering of one of the thousands of Americans awaiting a transplant was never made available. Equally disturbing was the fact that in only 1 of 8 referrals to the University of Pittsburgh were they able to retrieve the available organ, because they were either too busy or too exhausted.

Americans are willing to donate the needed organs. In testimony presented before my subcommittee by Dr. David Ogden, president of the National Kidney Foundation, Dr. Ogden shared with us the results of a survey conducted for his organization entitled "Attitudes and Opinions of the American Public Toward Kidney Donation." Among a nationally representative sample of persons age 18 and over, 93 percent were aware of the need for donor organs and of how the present organ donation system works. Of these individuals 75 percent stated they would be willing to donate the organ of a loved one who died. More importantly, we learned that when families of potential donors are approached a very high percentage do in fact give permission to proceed with the donation. Thus it is not a lack of a willingness to donate that keep us from meeting the need for transplantable organs. The problem lies in the organ procurement system, and that is what the legislation will correct.

Madam Chairman, some will say we need to study the issue more before taking action or the present "private sector" efforts are enough. But this just is not the truth.

The "National Organ Transplant Act" does not propose supplanting or replacing the existing system with a federally run system. The proposal is designed to strengthen, expand, and better coordinate the existing federally funded system. We need to recognize that we are already spending a great deal of money for a system to retrieve organs. We should make that system work.

In closing, Madam Chairman, these patients need our immediate help. A week hasn't gone by since I became interested in this issue where my office has not received a desperate call for help. And today as we meet there are many waiting in hospitals whose lives literally depend on the action we take this afternoon.

Let us not waste any more time, I urge my colleagues to join me in the immediate passage of this important life saving legislation.

□ 1740

Mr. MADIGAN. Madam Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. MOORE].

Mr. MOORE. Madam Chairman, today the Members are being asked to consider legislation to expand the role of the Federal Government in the area of organ procurement and transplantation. No one questions the need or desire to facilitate organ transplants. We should, however, question certain provisions in the bill and not rush to judgment just because this is a very popular issue. There are points which should be made now and should be considered in conference, possibly moving toward the Senate version of this bill, as I am very certain this bill will pass overwhelmingly on the House floor.

During consideration of a previous organ transplant bill by the same authors before the Committee on Ways and Means, several questions were raised about the implications of such legislation on the future of organ transplants and the Government's role therein. Most of these concerns still exist, including the questions as to the proper role the Government should take in this area.

H.R. 5580 assumes that we know the answers to outstanding transplant questions. Only 1 month ago the Senate passed a transplant bill calling for an extensive study of more than 10 transplant issues. Only 1 month ago the authors of this bill were asking Members to support another version of a transplant bill which called for a task force to consider the medical, legal, ethical, economic and social issues presented by human organ transplantation and procurement.

To my knowledge, Congress has not found the answers to these questions during the last month, so I am puzzled as to why the authors no longer see the need for consideration of these issues. It appears as though we are issuing the verdict without all the evidence being in.

Before we move toward greater Government involvement, we need to consider questions like how we will address the need for multiple transplants; at what point have we done all that can be done; at what point is the expenditure of Federal funds no longer cost-effective; and are the grant programs authorized by H.R. 5580 an appropriate allocation of scarce health care resources when many transplant surgeries remain on the experimental list?

While we are being asked to expand the role of the Federal Government in this area, we are being asked to do so with no mechanism for coordination with our currently existing structure under the end stage renal disease program.

There are currently more than 120 organ procurement agencies under the end stage renal disease program that are receiving more than \$30 million in Federal funds for the harvesting and procurement of organs. H.R. 5580 asks us to establish a new unit in the Public Health Service to administer another \$40 million program, with little evidence that the current program is underfunded or not operating properly. Not only does this legislation encourage duplicative efforts between the private sector and the Government, but between individual programs in the Government.

What effect will the organ procurement organizations have on current private sector initiatives? Representatives of the eye banks and the American Medical Association are concerned, and I think legitimately so, that this bill will replace many of the private sector initiatives now underway by forcing a consolidation of programs. These groups contend that people are motivated by specific causes and the forced consolidation through the organ procurement organizations will stifle the activity of individual causes.

Will this be just one more instance of Federal intrusion in an area where the private sector is aggressively expanding?

Additionally, we must answer the practical question as to whether or not this program will increase the visibility and demand for organs without adequately increasing the supply of available organs. The Public Health Service testified in the Committee on Ways and Means that the real problem today is an attitudinal problem where the general public is unwilling to voluntarily take steps to donate their organs while still in good health. If this is the case, it is not clear what incentive this bill will provide to increase the number of donors.

While I fully share the concern of the authors of this bill, I think it could become one of the most costly pieces of health legislation we will consider this year. This bill represents a departure in Federal health care policy by providing funding for outpatient drugs. While there is no question that this version of the bill is better public policy than the earlier version, many of the considerations are still valid.

□ 1750

Setting such a precedent could encourage expansion of Federal drug programs. It may raise questions of the equity of providing Federal support for immunosuppressive drugs and not other life-sustaining drugs for people who suffer from diabetes, heart disease, and high blood pressure. According to the American Association of Retired People, drugs for these three illnesses are their priority for expand-

ed medicare benefits. Questions of equity on other drugs for medical recipients will also be raised in State legislatures in response to this legislation providing such coverage.

The bill authorizes a \$30 million grant program for immunosuppressive drugs to transplant patients free of charge. One of those drugs costs \$8,000 per patient per year, and there is only one supplier of that particular drug. Although it is only a 2-year authorization, I fear that we could come under increasing pressure to extend the program because these drugs require lifelong use. Furthermore, it is yet unclear as to the relative advantage for using cyclosporine over other immunosuppressive drugs.

A recent FDA study failed to show any statistically significant differences in the rate of success for kidney transplant patients using cyclosporine over a less expensive immunosuppressive drug.

If it is necessary to reimburse for cyclosporine, the legislation we enact should ensure that cyclosporine is used only on those cases where the success rate is statistically significant, and where the transplant surgeries have been removed from the experimental status.

No one disagrees that people in need of transplants should be denied them because they cannot pay for them; but that is not the issue here. The issue here is a matter of available organs for transplantation. It appears that H.R. 5580 addresses the problem by throwing money in the general direction of the problem, but does little to change the attitudes of the American people who must first voluntarily donate their organs. In fact, many believe that Federal intervention through the organ procurement organization's grant program will have the reverse effect and will discourage the private sector involvement which brought us from the first successful kidney transplant in 1954 to heart and lung transplants in 1981.

In light of the many unanswered questions, I urge the conferees who will eventually be appointed on these two bills to think very carefully about these questions before passing on the final version they will bring back to the House floor. While we all feel the need to come to the aid of our constituents and friends in need of transplant surgery, we would be well advised to consider the implications this bill may have on future availability of organs and transplant surgery.

During the conference, I urge the conferees on this bill to consider expanding the House provisions on a task force to study the medical, legal, ethical, economic, and social issues presented by human organ procurement and Federal funding of immunosuppressive drugs. I also encourage them to hold off on extensive funding

until after some of these questions can be answered by a competent and thoughtful task force. A great deal is at stake in this legislation. Most important is the future of available organs. Attempting to legislate a solution without the answers to many questions may prove to be detrimental to those we are trying to help.

Mr. GORE. Madam Chairman, will the gentleman yield?

Mr. MOORE. I certainly yield to the gentleman.

Mr. GORE. I respect my colleague's thoughtfulness. I disagree with him very strongly, as he knows, but I wanted to just address two questions among the many that the gentleman has raised.

First of all, the gentleman mentioned a number of areas where he thought more study was needed and one of them was multiple organ procurement.

I just wanted to share with my colleague the results of a task force, a workshop by the NIH that was conducted in January of this year which produced a very lengthy report essentially answering the questions in that area. It is only one example of how well and how thorough this entire subject has been studied, going back almost 4 years now. There have been so many task forces and workshops and in-depth studies, the answers are in.

The professional groups know what needs to be done and the time for study has passed.

The second point I wanted to comment on was the question the gentleman raised, what encouragement does this give to actually increasing the number of organ donations. We know from pilot programs that educational efforts within hospitals and within medical communities can double and triple the rate of organ donations, just by having a more sensitive approach and a more determined approach to talk with the bereaved families, which has to be one of the most difficult things that any human being has ever done, but it can be done and because of the opportunities to save lives, it must be done.

This legislation, in return for the grants to the organ procurement systems, will require them to set up these comprehensive programs in all hospitals and medical communities to get these educational programs going and also it will require them to engage in the multiorgan procurement efforts that we know can also increase the rate of donations.

I thank my colleague for yielding.

Mr. MADIGAN. Madam Chairman, will the gentleman yield to me, please?

Mr. MOORE. I yield to the gentleman from Illinois.

Mr. MADIGAN. I apologize for interrupting the colloquy between the

two gentlemen, but I have limited time and I have five more speakers on this side, so I did want to call that to the attention of the gentleman.

Mr. MOORE. I appreciate that and I shall yield no further and shall try to answer the questions of the gentleman from Tennessee very briefly.

The gentleman's original bill called for a study. It is not in this bill. I am asking for the same task force to study it again. I think that there are things that are yet unanswered.

Second, in answer to the gentleman's comment about the fact that we need more procurement and the gentleman thinks this bill will do that, let me assure the gentleman that the real problem is organ procurement. We all agree on that. Anything we can all agree on to help increase organ procurement is salvation of the problem.

I happen to think from the word we are getting from the American Medical Association that they can do this with the patient-physician relationship. They are doing it now. They do not need Government involvement. They do not even want Government involvement.

I submit to the gentleman that I do not believe he has evidence to show that the Government spending money in this area is going to increase that.

Mr. GORE. Madam Chairman, I will pursue this on someone else's time.

Mr. WAXMAN. Madam Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. Madam Chairman, I am pleased to have this opportunity to address the urgent need for a national strategy to facilitate organ transplants.

Along with the development of organ transplants, and the consequent saving of lives, several crucial questions have been raised. Who shall live? Who shall pay? How are organs obtained? Must those persons in need of an organ transplant be skilled in media manipulation before their needs are recognized?

Without a national policy to ensure some uniformity of response to these questions, there is little hope that we can answer them in a reasonable and just fashion.

Presently, there are not enough transplantable organs to supply those who need them. Many organs that could be used, are not. Absence of a national network to connect donors and recipients may be one reason why.

An estimated 20,000 people a year die from head injuries, brain tumors, and other conditions that make them candidates for organ donation. Organs, however, are actually being obtained from only one-tenth of the potential donors. Despite the commendable efforts of 120 organ procurement agencies from coast to coast, organ shortages continue—as the lives at the

mercy of these shortages cannot. Better coordination of the existing organ procurement organizations through a national network would facilitate the acquisition of a greater number of suitable organs.

The gap between the number of available organs and the number of potential recipients makes it a particular tragedy if any organs are wasted. Maximizing the efficiency of the procurement and distribution of transplantable organs can indeed be measured in lives. This is an effort both necessary and urgent.

In my own district we have felt the frustration and pain of the parents of small children who require organ transplants, but who cannot outlive the procurement process. We must act to prevent the continuing occurrence of such tragedies.

It is for these reasons, Madam Speaker, that I voice my support of H.R. 5580, the National Organ Transplant Act, a bill to establish a national policy with regard to organ transplants. It offers a remedy to the problem of a patchworked, disjointed system. It offers a systematic, equitable process of ensuring that those who need organ transplants will get them. And, most importantly, it offers hope.

Mr. WAXMAN. Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALGREN].

Mr. WALGREN. Madam Chairman, in a society where equality of opportunity is a fundamental tenet of the law of the land, the bill we consider today, the National Organ Transplant Act, will be a major advance toward making lifesaving medical treatment available to all, despite their economic status or geographic location.

Science, in the last few years, has rapidly improved the effectiveness of organ transplantation, but our ability to match organ donors with people who need organs has not kept pace, for several reasons. Many individuals are not really aware of the possibility of donating organs. And sadly, our current information network, for linking donors with recipients is not comprehensive or well coordinated. In short, we do not have an effective nationwide system and seriously ill people can really be left out in the cold when they need help.

The bill before us today will help eliminate some of these obstacles. It would improve the national network by providing grants to support local organ procurement organizations and by creating a national organ computer matching system. The bill also includes funds to help people pay for immunosuppressive drugs, drugs that enhance transplants by combating organ rejection.

The National Organ Transplant Act attempts to define a national strategy and create a national structure so that all people can take advantage of this

miracle of modern medicine. It does so by building on existing organizations and by retaining the involvement of the medical professionals and the many private, voluntary groups that have brought us this far. By providing start up grants to local organizations, we hope we can increase the number of donated organs; and by creating a new computer matching system, we hope we can get organs to people who need them.

I particularly want to call attention to the provision in the bill to provide modest assistance to pay for the cost of immunosuppressive drugs. Immunosuppressive drugs decrease organ rejection after a transplant operation and thus are essential to the success of transplants. Last November, the Food and Drug Administration approved a new breakthrough drug called cyclosporine which dramatically improves transplant success and thus patient survival, reduces hospitalization, and cuts postoperative medical costs. Unfortunately, these drugs can cost \$5,000 the first year and \$3,000 every year thereafter, making them virtually unavailable to a number of individuals whose lives depend on them. Not to have the drug makes transplants in essence ineffective. It is poor public policy to help people get transplants without helping make transplants work. It is shortsighted to help match donors with recipients and then leave a person stranded because of the lack of resources. The only recourse if the transplant does not work is another protracted and expensive operation, or in case the kidneys, dialysis—or death.

We should not have in this country a health care system that rations medical treatment or leaves the access to lifesaving techniques to chance. We should not have a system that, intentionally or by circumstance, makes medical procedures available only to the few. We should not have a health care system that requires people to plead to the White House or seek special attention from the news media to save the lives of children and their loved ones. Saving lives should not depend on luck, connections, or scrambling around for help. We must have a system that is available to all, a system that is fair to all and a system that does not let economic and geographic barriers get in the way of sustaining life. If we don't, we will have nothing but chaos and bitterness as families see hopes fade away.

I believe there is a critical role for the Federal Government to play in supporting a fair, nationwide system for helping people who need organ transplants get them and urge my colleagues to support this legislation.

□ 1800

Mr. GORE. Madam Chairman, will the gentleman from Pennsylvania [Mr. WALGREN] yield?

Mr. WALGREN. I yield to the gentleman from Tennessee.

Mr. GORE. Madam Chairman, I want to say for the record that without the gentleman from Pennsylvania's support the Cyclosporine A, which is a major piece of this legislation, would not be in the bill and patients all across this country, if this legislation passes, will owe my colleague a great debt of gratitude.

Mr. WALGREN. I thank the gentleman.

Madam Chairman, I yield back.

The CHAIRMAN. The gentleman has consumed 5 minutes.

Mr. MADIGAN. Madam Chairman, may I inquire as to the amount of time I have remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. MADIGAN] has 17 minutes remaining.

Mr. MADIGAN. I thank the Chair.

Madam Chairman, I yield 3 minutes to the gentleman from New York [Mr. MOLINARI].

Mr. COURTER. Madam Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman.

Madam Chairman, I rise in strong support of the legislation. I congratulate the sponsors who brought this legislation to the floor. I have had a personal interest in this matter ever since Everett Koop and Dr. Starzl, who is a very famous physician involved in liver transplantation came to my office about 1½ years ago. I have an interest because two children in my district received successful liver transplants in my district in the past 3 years and I have a special interest because cyclosporine A which was mentioned here today was invented and produced in my old congressional district in the great State of New Jersey.

I think what we are doing here cries out for support.

Madam Chairman, I urge my colleagues to support this bill.

Madam Chairman, I rise to express my support for the National Organ Transplant Act, and to thank Mr. GORE and the members of the Energy and Commerce Committee for their efforts on behalf of this important measure.

It has been several years now since Surgeon General Everett Koop, liver transplant specialist Dr. Tom Starzl and I got together to discuss the widespread use of organ transplantation and the mind-boggling implications of the immunity-suppressing drug, cyclosporine A. Since that time, there has been a surge in public awareness of the great benefits of this surgical technique. The publicity has helped save

the lives of a number of young transplant patients, including two children in my district who would have died if they had not received compatible livers.

But, while science has rapidly improved the effectiveness of organ transplants, the Nation's system for retrieving organs has failed to keep pace. Advances in medical science have expanded transplant needs to include a number of organs. Yet a national procurement system exists only for kidneys.

The public appeals by parents of children like Jamie Fiske will not always be effective in providing an emergency supply of donor organs. I believe a Federal response is necessary to improve information about and access to all available organs. The organ procurement and distribution portions of H.R. 5580 should go a long way in providing the up-to-the-minute information and placement assistance which is essential to saving a human life when a vital organ fails.

I also support the provisions of the bill which provide that immunosuppressive drugs be made available, without cost, to qualifying transplant centers for use on an outpatient basis by those who have received organ transplants. Immunosuppressive drugs are essential to the success of an organ transplant, and are largely responsible for the improved survival rate of transplants. Because recipients must take these drugs for life in order to prevent rejection of a foreign organ, the costs of immunosuppressants can make it impossible for certain recipients to maintain the dosage regime.

By providing these drugs to those transplant recipients who cannot afford them, the Government will save millions of dollars currently spent under the End Stage Renal Disease Program of Medicare for costly kidney dialysis and rejection treatment. More importantly, this provision will make transplantation a real possibility for those whose kidney, liver, or heart is failing.

I feel the National Organ Transplant Act represents the appropriate degree of Federal involvement in an area of medicine which promises to save countless lives. I urge my colleagues to give their enthusiastic support to this long-overdue legislation.

Mr. MOLINARI. Madam Chairman, we are really entering a very exciting phase in this country with respect to the transplantation of organs with the immunosuppressant such as cyclosporine A which we have heard so much about.

The world of medicine is changing rapidly before our eyes. I suspect that most of us who are speaking in favor of this bill are those who have had some personal experiences.

My good friend from New Mexico [Mr. SKEEN] lost a sister some years

back when today her life could be saved.

Government has lagged behind medical science and I would like to just quickly retrace some of my own experiences with reference to liver transplants.

We had a young lady in my district who was dying from a liver disease. I appealed for donations to try to raise enough money, but time was running out. I went after the State of New York and appealed to the commissioner of health to try to fund the transplantation procedure through Medicaid.

My original offer was rejected on the basis that the procedure was experimental and that the success rate was too low.

I then appealed to Dr. Starzl at the University of Pittsburgh for information to help me and I found that the State of New York, usually one of the pioneers in medical science, was wrong. I asked the health commissioner to contact Dr. Starzl and they did. Much to my pleasant surprise they changed their position and today in New York State, the State of New York funds the liver transplants through Medicaid.

Now, we talked for a moment, the gentleman from Tennessee [Mr. GORE] talked about the President and the appeal that he made unsuccessfully.

I know the President was very sad. I was in the White House talking to him about that. We spoke about that. Mr. GORE and he went back on the radio a couple of weeks later and made an appeal for donors throughout the country.

We should know, this body, that almost 5,000 people responded to that request.

The CHAIRMAN. The time of the gentleman from New York [Mr. MOLINARI] has expired.

Mr. MADIGAN. Madam Chairman, I yield 1 additional minute to the gentleman.

Mr. MOLINARI. I thank the gentleman.

Let me just say that this is very important. We in government have to take the lead in trying to spread the gospel throughout the country that there are lives out there today being lost which can be saved. Yes; there is a problem of donors and there is a problem of getting the money to cover the transplantation procedures. One thing we are overlooking, though, when you analyze the cost of what it costs for a patient who dies from one of these diseases and subtract that from the cost of the procedure and the postoperative care. Just one last bit of statistics: in the case of renal dialysis, it costs \$26,000 a year for that treatment. If you were to have a transplant it would cost \$46,000 in the first year but only \$7,000 for the immunosuppressors in

succeeding years. I think that is a good example of the fact that we can save money and lives at the same time.

Madam Chairman, I thank the gentleman [Mr. MADIGAN].

Madam Chairman, I support this legislation very strongly.

Mr. WAXMAN. Madam Chairman, I yield 4 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Madam Chairman, I rise in support of H.R. 5580. This bill provides a desperately needed improvement of regional organ procurement agencies and creates a national computerized network to match organs to donors. I commend all of the committee members for reporting out this bill and I would add a special word of appreciation to my colleagues, Mr. WAXMAN and Mr. GORE, for their leadership.

Madam Chairman, I believe my record clearly shows that I am not one to quickly invite the Federal Government into areas previously handled exclusively by the private sector. But I have heard the arguments that the Federal Government need not really become involved in the organ transplant system—that the current channels of communication and procurement agencies are completely capable of handling all needs that arise. And every time someone tells me that, I wish I could take them to Clyde, TX, where they could meet face to face with the parents and grandparents of Ashley Bailey.

In some respects, Ashley's case was similar to that of other babies suffering from biliary atresia who must have liver transplants if they are to live. But in other respects, Ashley's case was truly exceptional. It started with a remarkable community and statewide effort to raise more than \$100,000 to pay for the transplant. Next came passage of a unique piece of legislation in the Texas Legislature which granted a special entitlement to Medicaid funds. Meanwhile, my own staff was involved daily in contacting the key figures of the organ transplant procurement system, arranging for telegrams to be sent to every hospital in the country, pressing the news media to publicize Ashley's case, urging national leaders of civic and service organizations to develop educational campaigns about the need for organ donors, and taking every possible opportunity to talk about Ashley. Finally, the climax of all of our efforts came when President Reagan asked for a donor for Ashley during his national Saturday radio broadcast. An exceptional effort was made on the part of so many, and still, all of this combined was not enough for Ashley.

For nearly 15 long months Ashley fought bravely to hold on to life, depending on the present organ procurement system to locate a liver for her. And many people within that system

fought hard along with her to locate that lifesaving organ. But in the race with time, the organ donor system and Ashley lost. On November 11 of last year, Ashley died.

None of us understand the logic of fate, and maybe it was just meant to be that little Ashley would accomplish more through her death than she could have through continued life. But every time I think of Ashley Bailey, I can't help but think that our system somehow failed her. There must be a way of improving communication between independent organ procurement agencies around the country. There must be a better way of educating the public to realize that when tragedy strikes their family, they can find some meaning in death by giving life to others. There must be a way to train physicians, and nurses, and ministers, and emergency personnel to deal more constructively with families in the middle of tragedy. There must be a way to spare parents of children needing transplants the desperation of seeking publicity techniques as the best or only way to give their children life. There must be a better way, a less haphazard way, of deciding who may live and who must die. For the sake of giving meaning to Ashley's life, and for the sake of all of the children and adults still hanging on to life, there must be a way.

H.R. 5580 does much to find that way. Through seed money to regional organ procurement organizations and the establishment of a coordinating U.S. transplantation network within HHS, this bill provides incentives for private and local organizations to become more effectively involved in the transplant system. Precautions against excessive dependency on the Government are incorporated through a 3-year limitation on grant money and a requirement that the recipient organizations demonstrate a capability of operating independently on a fiscally sound basis.

Furthermore, this legislation provides some necessary guidance to the way the organ procurement system will develop in upcoming years. In an area with such complex medical, legal, ethical, economic, and social aspects, there are certain considerations which, to a minimal but necessary degree, should be policed by the Federal Government for the public good. Experience has taught us over and over again that the most appropriate role for the Government, however, is as a referee, not a quarterback. I am very pleased that H.R. 5580 acknowledges this role by requiring eligible organizations to have a system for allocating donated organs among transplant centers, but does not dictate any particular criteria that must be used. It is appropriate for the Federal Government to outline what must be accomplished without specifying exactly

how it must be done. The establishment of the Task Force on Organ Transplantation and the prohibition against selling human organs will provide further referee-type safeguards.

I believe that H.R. 5580 shows admirable constraint in its scope. The need for coordination and funding in the organ transplant system could have been addressed in ways which would have led to massive Federal intervention, but fortunately, this has not been the case. I want to commend the advocates of this bill for not creating new, open-ended entitlements and a new bureaucratic maze which could have meant far greater Federal funding and intervention.

We are all amazed by, and grateful for, the lifesaving techniques that modern medical advancements have brought us, but we also are faced with new dilemmas that demand concerned, creative, constructive responses. I believe that H.R. 5580 is one such response. For the sake of the memory of Ashley Bailey and the lives of so many others, I urge all of my colleagues to vote in favor of this bill.

□ 1810

Mr. MADIGAN. Madam Chairman, I yield 3 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Madam Chairman, thanks to rapid advances in medical science over the past decade, more and more lives are being saved by means of organ transplantation. People who once would have died of kidney disease, heart disease and even liver disease, are being given a new lease on life for 5, 10, 15, or even more years. Furthermore, those who have been suffering from less serious, but nonetheless severe, forms of those diseases are beginning to look to the possibility of transplants in the hope that the quality of their lives can be dramatically improved.

While it is wonderful that so many people are being helped in this fashion, there are however some problems, the most obvious being that the demand for organs exceeds the supply available. Only 20,000 potential donors—people who are brain dead but whose heart, kidneys, liver and so forth, are otherwise undamaged—are to be found each year on average and, of those, only 2,200 or so actually become donors. On top of that, the cost of these transplants is often extremely high and, except for corneas and kidneys, they are generally considered experimental and therefore not covered by medical insurance or Medicare. Medicaid sometimes picks up the tab, but more and more frequently we are seeing instances of parents with sick little children having to launch a public relations campaign first to find a suitable donor and then to raise the

money to cover the cost of the operation and followup care.

The legislation we have before us—H.R. 5580—is a well-intentioned attempt to deal with some, if not all, of these problems. However, it is not a panacea. For one thing, there is nothing that can be done legislatively that will increase the number of potential heart and liver donors; all that can be done is to increase the percentage of potential donors that become actual donors and no matter how much we increase that percentage by, we must recognize that it may not be enough to eliminate the organ shortage altogether. Also, in some respects, this legislation appears to create as many problems as it attempts to resolve. However, that is something that we can do something about, right here and now. Which brings me to the amendment in the nature of a substitute which I am offering today.

As reported, H.R. 5580 authorizes \$40 million for organ procurement organizations, provides another \$30 million for a new immunosuppressive drug program and establishes a new administrative entity in the Public Health Service to facilitate development of a better coordinated organ transplant system nationwide. It also calls for a task force of organ procurement and transplantation, a transplantation network, a scientific registry and a prohibition on the purchase of organs but it is the first three provisions that are of the greatest concern. First of all, a national kidney procurement system already exists, as do two computer matching systems—a federally supported system for kidneys and a non-Federal system for matching other organs—so the groundwork at least has already been laid. Second, **medicaid programs in 35 of the 50 States already cover immunosuppressive drugs for needy patients.** And, finally, what is most likely to result from the creation of a new bureaucratic administrative unit at the Public Health Service is not an increase in the number of organs being donated but an increase in the amount of red-tape involved with each donation. Such is the nature of government, especially the Federal Government, which is why it seems to me we would be better off building upon the largely private organ transplant system that is currently developing rather than relying on more Government bureaucracy to get the job done.

My amendment in the nature of a substitute would not only put more reliance on the private sector and less on the bureaucrats, but it would avoid the problems that could result from a new immunosuppressive drug program run by the OPO's, plus it would save some money. Instead of providing the OPO's \$40 million over the next 3 years, it would give them \$15 million in seed money. Instead of telling the

OPO's to provide needy people with cyclosporine and other immunosuppressive drugs and giving them \$30 million for that purpose, it calls for a study designed to determine the best method of reimbursement for immunosuppressive drugs. And instead of building a new bureaucracy over at the Public Health Service, it relies more on existing networks to coordinate and expand its activities. Retained is the task force on organ procurement and transplantation, the concept of an organ transplantation registry and the prohibition on the purchase of organs, creating a package that not only will help provide the information that is necessary to increasing the number of organs actually donated but will do so in a way that is not self-defeating.

To put that last statement in perspective, let us look for a moment at this immunosuppressive drug business. Without these drugs, transplant patients would soon reject their new organs and all would be in vain, so there is no question about their needing those drugs. What is in question is who should pay for those drugs. Currently, **medicaid covers certain immunosuppressive drugs in 35 of the 50 States; whether those 35 States would continue to do so if the Federal Government were to initiate a separate program through the OPO's is an entirely different matter.** They might well take the position that, if the Federal Government is going to fund the provision of immunosuppressive drugs, what should they. Also, it should be noted that Medicare's end stage renal dialysis program already covers immunosuppressive drugs for kidney transplant patients for up to 3 years so long as they are supplied by a physician. Which brings up the third point, and that is if the Federal Government begins providing self-administered immunosuppressive drugs, what is it going to tell other chronic disease sufferers who use self-administered drugs, such as diabetics who take insulin, when they ask why their drugs aren't being provided for free. Given Medicare's current fiscal dilemma, this last point is of no small concern. We are having trouble enough providing existing Medicare benefits much less providing a lot of additional benefits, which is what I meant about not passing legislation that is self-defeating.

Madam Chairman, no one is suggesting that improvements cannot be made in the area of organ transplants. Just as medical science can improve the survival rate with new techniques, so too can our health care delivery system increase the percentage of potential donors whose organs become available for transplant and improve the delivery of those organs to those who need them. But accomplishing that objective does not necessarily mean that we need a big new Federal bureaucracy or a precedent-setting

new drug program. There is no reason why we can't build on the program we have now, making improvements within the existing framework and using the resources of the Federal Government in a judicious and nonintrusive manner. The amendment in the nature of a substitute will get us started along that path and I urge my colleagues to give it their support.

Mr. WAXMAN. Madam Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Madam Chairman, I rise today in support of H.R. 5580, the national organ transplant bill. I believe that this legislation, if enacted, will effectively expand and strengthen organ procurement efforts across the Nation. We have accepted the eye bank program as one of our earlier successes in this field. Now we must move to make the public as aware of the organ donor program.

All of us have been touched by the plight of patients and their families who are desperately in search of available organs while time continues to run out. You may have heard about 2-year-old Kendra Hawthorne from Germantown, MD, who successfully underwent a liver transplant just last month. As fate would have it, there is yet another child from Germantown, 5-month-old Jeffrey Poole, presently in critical condition at Children's Hospital awaiting a liver. If a liver is found for Jeffrey, he will be the youngest person ever to undergo a transplant operation. However, it is not only children who are desperately in need of organ transplants. Peter Knold of Cascade, MD, is also in serious need of a liver transplant operation. He is 36 years old.

It is my hope that this legislation will enhance the chances of these brave people, and all those desperately awaiting organs—by increasing national awareness of the ongoing need for organ donations. In this quest for these much-needed organs, I know that we are asking a supreme sacrifice from our citizens. We are asking heartbroken parents of a young child to forget their grief long enough to save another's life. We are asking mourning families to allow needed organs of a loved one to be donated. But what we are asking is the ultimate in human accomplishment—giving the gift of life to the living.

Once again, I want to express my support for the successful passage of this important and worthwhile legislation.

Mr. MADIGAN. Madam Chairman, I yield 3 minutes to the gentlewoman from Rhode Island [Mrs. SCHNEIDER].

Mrs. SCHNEIDER. Madam Chairman, I rise today in support of H.R. 5580, the National Organ Transplant Act.

My involvement with this bill is a direct result of the experience of one of my constituents, the late Justine Pinheiro, of Pawtucket, RI. When the family and friends of 4-year-old Justine first learned that she suffered from biliary atresia, a debilitating disease of the liver, they immediately began a long and often frustrating search for an organ donor. The Pinheiros soon learned that there currently exists no organized system for matching liver donors with needy individuals. Instead, sick individuals and their families are required to engage in a macabre ritual of television ads, pleas to public figures, and assorted other public relations ploys.

Justine Pinheiro was lucky. She received not one but two livers for transplant. Others are not so lucky. Experts testifying in front of the Investigations and Oversight Subcommittee of the Science and Technology Committee estimated that as many as 25,000 Americans today are in need of a life saving organ transplant. Tragically, one-half of these individuals will die before they reach the operating table.

The bill we consider today replaces the current, haphazard organ procurement system with a coordinated system of local organ procurement organizations. These local organizations will be responsible for acquiring and distributing available organs in a fair and equitable manner to needy individuals. I applaud the committee for its foresight in providing localities with flexibility in setting up and constructing these organizations. My hope is that this coordinated system of local organizations will obviate the need for donors to appeal to politicians and the mass media.

The bill also shows recognition of the tremendous cost and importance of immunosuppressive drugs, particularly cyclosporine, the development of which has improved dramatically the success rate for organ transplant operations. By directing the Secretary of Health, Education and Welfare to purchase and distribute cyclosporine and other immunosuppressives to qualified local organizations, this bill will alleviate the financial burden of organ transplants, and dramatically improve the success rate of those transplants that are performed.

Finally, this bill wisely outlaws the sale of organs for transplant. This proposal was considered by the Subcommittee on Investigation and Oversight, but was rejected because it is ethically denigrating to both the human body and our civilized minds. I should mention, however, that the suggestion of selling organs has arisen only in reaction to the *laissez-faire* mess which currently passes as an organ procurement system. It is up to Congress to design an orderly procurement system—which we are doing today—and to impress upon our constituents

the importance of voluntarily donating their organs. If we fail in these tasks, it will only provide more evidence to those who argue that allowing organs to be bought and sold is the best way to close the organ gap.

Madam Chairman, the development of an effective, efficient organ procurement system is only the first of several steps Congress must take to come to grips with developments in medical technology which have transformed the world around us. Again and again, we will be asked to determine the proper distribution and cost of limited and expensive medical technologies. The entire area of genetic engineering will bring to the fore ethical considerations with which this body has precious little previous experience. I mention this today only to remind my colleagues of the responsibility we have to make sure that future public policy choices enhance and support the advances in medical science which are occurring daily.

□ 1820

Mr. WAXMAN. Madam Chairman, I yield 1 minute to the gentleman from Puerto Rico [Mr. CORRADA].

Mr. CORRADA. Madam Chairman, I rise in support of H.R. 5580 to amend the Public Health Service Act to allow for financial assistance to organ procurement organizations involved in efforts to identify potential organ donors with local hospitals and organ transplant centers and for other purposes.

In this age where medicine is making such great advances and where technology is allowing more complicated and delicate surgery in the field of organ transplants we must act to ensure that information and communication is provided promptly to facilitate finding donors for persons in need of organ transplants.

By approving this bill we will help open vital lines of communication and information through the creation of a U.S. transplantation network. This network will facilitate the matching of organ donors and organ recipients. This is crucial since time is the deciding factor in many of these cases and information is essential to promptly identify potential donors and match them with potential recipients.

The basic aspects of the bill, consisting of grants to local entities to establish and expand qualified organ procurement organizations, the creation of the national transplantation network, the national registry, and the funds to help patients pay for immunosuppressive drugs all intertwine into a coherent whole which promises the highest degree of efficiency at all levels.

At present there are 15 to 30 transplants performed a year in Puerto Rico. Since 1977 up to the present 125 transplants have been performed. The

rate of survival in kidney transplants is 70 to 74 percent. End-organ transplants have a rate of 85 to 90 percent survival. There are 300 new terminal kidney disease cases reported each year. When these statistics are compared it is clear there are not enough transplants being performed. H.R. 5580 will assist in solving this problem. The funds which this legislation puts to use in the system will emphasize and make available treatment for kidney disease and probably for other end-organ diseases as well.

I urge my colleagues to vote for this very needed legislation.

Mr. WAXMAN. Madam Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. I thank the gentleman for yielding time to me.

Madam Chairman, as an original cosponsor of H.R. 5580, I rise in support of this important measure.

I commend the gentleman from Tennessee [Mr. GORE] for his leadership on this issue, and also the gentleman from New Mexico [Mr. SKEEN], the gentleman from California [Mr. WAXMAN], and the gentleman from Illinois [Mr. MADIGAN] for their support of this legislation.

Among its provisions this bill provides that immunosuppressive drugs be paid for by the Public Health Service Grant Program through the transplant centers this bill establishes.

We often hear the word "crisis" thrown about in this Chamber. It is a word which is used all too often to describe problems of all types.

Today we are discussing a problem which is truly critical. It is a problem which cannot wait for more talk and more study. It is the crisis faced by transplant patients who need immunosuppressive drugs.

Figures alone would not give you an idea of the immensity of this crisis. Mere figures would not tell the story of the needs of transplant patients in terms in which all of us can understand.

Let me tell the story of one of my constituents in Columbia, MO. This man, who is blind, had total renal failure due to sugar diabetes and in 1983 had a successful kidney transplant. He was put on cyclosporine, an immunosuppressive drug.

Without cyclosporine his body is likely to reject the new kidney. He wrote me to say "If I were to lose my new kidney it would mean going on kidney dialysis. Kidney dialysis would cost the Government at least \$30,000 each year."

He was informed by the drug manufacturer that after he ran out of his free 6-month supply, he would be totally responsible for paying for the drug. Unfortunately cyclosporine would cost him approximately \$7,600 a year. This cost is prohibitive for him

as he currently lives on Social Security disability. When he was put on the drug he was never told what it would cost or that it would cost anything.

With some help from friends and the National Federation for the Blind he has been able to purchase a 3-month supply of cyclosporine. After mid-September his supply will be exhausted. This is the crisis facing him.

Those of us who have never been in this position have no idea what it is like to face a life-threatening condition without the financial resources to pay for the necessary drugs.

Cyclosporine is expensive. Transplant patients must take it for life once they begin using it. If they discontinue use, they face losing their lives.

This bill we consider today would provide the framework for solving this problem by providing grants to help patients cope with the high cost of immunosuppressive drugs.

A few of my colleagues have expressed concern about the cost of this bill. I say to them: How much is a life worth?

But let's address the cost issue. This very modest proposal is limited to a 2-year authorization of \$30 million. This bill is intended to fill the gaps in need not met by other coverage including Medicaid. In my home State of Missouri Medicaid does not cover the cost of immunosuppressive drugs. Efforts are being made to change this, but the change will not occur quickly enough to help my constituent and others like him in Missouri.

I recall that President Reagan once said that industry and nonprofit agencies would step in to fill the void left by cutbacks in Government services. Let me tell you that my constituent contacted 150 nonprofit agencies seeking financial help to pay for the cost of cyclosporine. These agencies were sympathetic, of course. But, of these 150 agencies, not a single one was able to provide any monetary assistance.

So I urge my colleagues to support H.R. 5580 and to oppose efforts to delete the provisions on immunosuppressive drugs.

Mr. MADIGAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I am pleased to join my colleagues in supporting H.R. 5580, the National Organ Transplant Act. I believe this legislation takes the necessary first steps to better coordinate and improve our Nation's organ procurement activities and organ transplantation.

The Subcommittee on Health and the Environment held extensive hearings on this issue and received testimony from experts in the field of transplant surgery and organ procurement. These witnesses brought to the subcommittee's attention the vastly improved effectiveness of transplant sur-

gery over the past 5 years. This is largely due to the development of the immunosuppressive drug cyclosporine, which has shown 1-year organ survival rates of as high as 90 percent for human kidneys.

Yet as technology has rapidly improved the effectiveness of transplantation, organ procurement and distribution activities have been limited. Of the over 20,000 brain deaths in the Nation each year, less than 15 percent of these patients' organs are actually donated. Because of a lack of knowledge on the part of the general public, difficulties in coordinating organ procurements, and problems with financing operations and drug therapy, an often inefficient transplant network results.

H.R. 5580 addresses the need for a framework to coordinate organ procurement activities and offers assistance to those organizations which serve those in need of transplants by providing grants to strengthen and expand local procurement organizations across the country.

The legislation will also help to support a national organ computer system, which will maintain a national registry of individuals who need organs and will operate a 24-hour telephone system to help match donated organs with potential recipients.

H.R. 5580 provides a grant program for immunosuppressive drugs for 2 years. Although these drugs are costly, they are essential to the success of organ transplants in reducing, and often eliminating, the need for repeat hospitalizations and graft rejection.

Also, the National Organ Transplant Act outlaws the buying of human organs.

I want to reiterate my support for H.R. 5580. I believe the National Organ Transplant Act will strengthen the relationship between the Federal Government and private sector health organizations, and will leave the operation of the organ transplant system in the hands of the procurement and transplant centers which already exist.

Madam Chairman, the gentleman from Tennessee [Mr. GORE] and the gentleman from New Mexico [Mr. SKEEN], from the Science and Technology Committee, deserve much of the attention for our being here this evening. The gentleman from California [Mr. WAXMAN], the chairman of the Subcommittee on Health and Environment within the Energy and Commerce Committee has demonstrated not only remarkable concern for the people who will be affected by this, but a remarkable understanding of the legislative process. Through his ability to finesse many obstacles, we are able to be here tonight with this carefully constructed bipartisan piece of legislation. I want to pay my respects to the gentleman from California not only for the sincere approach

that he has taken in providing the future beneficiaries of this legislation with the most precious gift of continuing life, but I also want to congratulate him on his tremendous legislative skills.

Mr. WAXMAN. Madam Chairman, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding to me so that I might point out to my colleagues and all those who are viewing this debate the enormous contribution my good friend, the gentleman from Illinois, has made for this legislation and for so many other items that are on our subcommittee agenda. In the national interest, the gentleman has searched for accommodations and ways where seemingly irreconcilable differences can be reconciled. I know that in terms of my working with him I have been convinced by him so often to make concessions from what I thought was the appropriate and final point to an even more appropriate and final point, all in the public interest. I appreciate his work on this bill, I appreciate his work on so many others, and I appreciate his friendship as well.

I thank the gentleman for yielding to me.

Mr. MADIGAN. I appreciate my friend's kind remarks.

Madam Chairman, I urge support for the bill, and I yield back the balance of my time.

Mr. WAXMAN. Madam Chairman, I yield my remaining time to the gentleman from Ohio [Mr. LUKEN].

The CHAIRMAN. The gentleman from Ohio [Mr. LUKEN] is recognized for 2 minutes.

Mr. LUKEN. Madam Chairman, I am proud to join my colleagues, Mr. GORE, Mr. WAXMAN, and Mr. SKEEN, in cosponsoring the National Organ Transplant Act, a vitally needed piece of legislation that will develop a national policy on organ transplants.

It is indeed unfortunate that it takes a tragedy such as the death of a young husband, father, child or loved one to bring home to us the gaps and shortcomings of our national health policies. However, once aware of the need for action, we are conscience-bound to pursue it. I personally became involved in this matter when one of my constituents, Joseph Montgomery of Westwood in Cincinnati, found himself helpless when his health insurance would not cover the expense of a needed heart transplant, nor could he raise the required \$60,000 deposit to be placed on the organ waiting list of a Pittsburgh hospital. I am sorry to report that time ran out for Joseph Montgomery; due to his financial restrictions, he could not obtain a heart transplant and he died. His tragedy is heightened by the realization that we

had the technology for a successful heart transplant that might have saved his life.

Congress must decide national policy that heart and liver transplants have advanced beyond the experimental stage, so that there should not be the slightest hesitation for all public and private carriers to cover payment for these lifesaving procedures. This bill is an excellent beginning.

We live in an organized society; therefore we create institutions and establish policies to deal with human problems, such as the need for an organ transplant, on a level that individuals cannot possibly manage individually. The National Organ Transplant Act also establishes a National Center for Organ Transplantation within the Department of Health and Human Services. The bill authorizes a program of grants for the development and expansion of local organ procurement organizations throughout the Nation, and creates a U.S. transplantation network to match donated organs with potential recipients.

These are steps we can take immediately in the development of a comprehensive policy on transplants. We have the capacity, but do we have the will? I think when we look at the tragic death of Joseph Montgomery and millions of other Americans who will be facing a similar fate, we can understand the urgency and necessity of developing a national organ transplantation policy today. I urge my colleagues to support this bill.

● **Mr. BROOMFIELD.** Madam Chairman, we have all seen TV news stories regarding a race with death to find a vitally needed organ to transplant into a young child's body.

I am sure we all recall the time when a father made a plea before a conference of surgeons to help him locate an organ that would help extend the life of his child, or when the President focused the attention of a nation in searching for an organ to save the life of another child.

Most of these efforts that have caught the Nation's attention have ended happily with the child beating death in that desperate race.

However, we must wonder how many more people did not catch the media's attention and did not win the race. We must wonder how many lifesaving organs were discarded because a recipient was not located in time.

These cases point to the fact that the science and the medical skills associated with organ transplants have far outpaced this Nation's methods of making sure that organs available for donation are matched with the many people who require new organs.

It also points to a failure in our system that says if you want to improve your chances of getting a needed organ, you have to catch the

attention of the media or some important person to champion your cause.

Madam Chairman, it is because of these failures in our current system that I rise in support of passage of the National Organ Transplant Act which seeks to improve coordination in organ transplants and provide better education about the procedures involved.

It is essential that a nationwide network using the latest methods of information processing be established to help place donated organs with individuals whose lives will be saved by these organs.

With such a working system, no longer will people have to depend upon catching the attention of the Nation's media. No longer will they wonder whether somewhere an organ is available and not being used because of the lack of information.

Equally important as the establishment of such a nationwide network is the necessity to familiarize our fellow Americans about the need for organ donations and to encourage individuals to actively consider this route in saving a life.

Madam Chairman, one greets the news of an organ transplant with mixed emotions. One is certainly overjoyed when a life is saved, just as one is saddened to know that a death occurred for the transplant to have taken place.

Yet the saving of another's life through an organ transplant helps, in part, to provide meaning in the death. This bill will help assure that donated organs will not be wasted and will be available to help save lives. Therefore, I urge my colleagues to join me in supporting this bill. ●

□ 1830

The **CHAIRMAN.** All time has expired.

Pursuant to the rule, the bill will be considered under the 5-minute rule by titles, and each title shall be considered as having been read.

Mr. WAXMAN. Madam Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GORE] having assumed the chair, Mrs. Boggs, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5580) to amend the Public Health Service Act to authorize financial assistance for organ procurement organizations, and for other purposes, had come to no resolution thereon.

ORDER OF BUSINESS

Mr. CRAIG. Mr. Speaker, I ask unanimous consent to proceed in advance of the gentleman from Michigan [Mr. SILJANDER] in special orders.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

CONSTITUTIONAL AMENDMENT TO BALANCE THE FEDERAL BUDGET AND LIMIT TAXATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. CRAIG] is recognized for 60 minutes.

GENERAL LEAVE

Mr. CRAIG. Mr. Speaker, before I begin, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. CRAIG. Mr. Speaker, I have taken this special order this afternoon to once again address the most important question that I believe is being discussed by the American public at this time, and that a good many of my colleagues here in this Chamber wish were being considered by this body, and of course, that is the constitutional amendment to balance the Federal budget and limit taxation.

Since 1976, a good many States of our Union, have been using article V of the Constitution of this country to petition the Congress, as they are permitted through the Constitution, to issue forth an amendment for their consideration and ratification on the question of a balanced budget or to convene a Constitutional Convention for the purpose of considering the issue of a constitutional amendment for the balanced budget.

Mr. Speaker, in this special order, I have asked a good number of my colleagues who represent States who have taken that action through their legislature to participate with me this evening in presenting that resolution and reading it into the **RECORD** the action that that State legislative body has taken.

At this time, in starting this process, a good many of my colleagues have agreed to participate. The first one I would like to recognize, who is not here this evening, is my colleague from Alabama [Mr. BILL DICKINSON], and in the situation where he is not here, I will read the resolve clause of that State's petition into the **RECORD**.

On August 18, 1976, the State Legislature of Alabama petitioned the U.S. Congress, and I read:

Be it further resolved, That, alternatively the Alabama Legislature makes application and requests that the Congress of the United States call a constitutional convention, pursuant to Article V of the Constitution of the United States, for the specific and exclusive purpose of proposing an

amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Mr. Speaker, I request that the full contents of this resolution be entered in its entirety into the RECORD.

HOUSE JOINT RESOLUTION 227

Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is vital to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the application of the legislatures of two-thirds (2/3) of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths (3/4) of the several states, or by conventions in three-fourths (3/4) thereof, as the one or the other mode of ratification may be proposed by the Congress; now therefore,

Be it resolved by the Legislature of Alabama, both houses thereof concurring, That the Legislature of Alabama hereby petitions the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the Alabama Legislature requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Be it further resolved, That, alternatively the Alabama Legislature makes application and requests that the Congress of the United States call a constitutional convention, pursuant to Article V of the Constitution of the United States, for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Further resolved, That the legislatures of each of the several states comprising the United States are urged to apply to the Congress requesting the enactment of an appro-

priate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such amendment to the Federal Constitution.

Further resolved, That the Clerk of the House is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the Legislatures of each of the other States in the Union, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D.C., and to each member of the Alabama Congressional Delegation.

□ 1840

Mr. CRAIG. Madam Speaker, I now yield to my colleague, the gentleman from Alaska [Mr. YOUNG] to enter into the RECORD his State legislative resolution.

Mr. YOUNG of Alaska. Madam Speaker, in 1982 the State Legislature of Alaska petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Further resolved, That alternatively this body makes application and requests that the Congress of the United States call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

Mr. Speaker, I include the full contents of this resolution, in its entirety, in the RECORD.

STATE OF ALASKA—LEGISLATIVE RESOLVE No. 1

Be it resolved by the Legislature of the State of Alaska:

Whereas annually the United States moves more deeply into debt as its expenditures exceed its available revenues and the public debt now exceeds hundreds of billions of dollars; and

Whereas annually the federal budget demonstrates the unwillingness or inability of the federal government to spend in conformity with available revenues; and

Whereas proper planning, fiscal prudence, and plain good sense require that the federal budget be in balance absent national emergency; and

Whereas a continuously unbalanced federal budget except in a national emergency causes continuous and damaging inflation and consequently a severe threat to the political and economic stability of the United States; and

Whereas, under article V of the Constitution of the United States, amendments to the Constitution may be proposed by Congress or, on the application of the legislatures of two-thirds of the states, Congress shall call a constitutional convention for the purpose of proposing amendments;

Be it resolved by the Alaska State Legislature that the Congress of the United States is requested to propose and submit to the states an amendment to the Constitution of the United States which would require that within four years after its ratification by the various states, in the absence of a national emergency, the total of all appropria-

tions made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

Further resolved, That alternatively, this body makes application and requests that the Congress of the United States call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

Further resolved, That if Congress proposes such an amendment to the Constitution this application shall no longer be of any force or effect; and be it

Further resolved, That this application and request shall no longer be of any force or effect if the convention is not limited to the exclusive purpose specified by this resolution.

Copies of this resolution shall be sent to the Secretary of the United States Senate; the Clerk of the United States House of Representatives; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

Mr. CRAIG. I thank my colleague, the gentleman from Alaska.

Madam Speaker, I would now yield to my colleague, the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. I thank my colleague for yielding.

Madam Speaker, on April 10, 1979, the State Legislature of Arizona petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

That, alternatively the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency, that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year.

Madam Speaker, I include the full contents of this resolution, in its entirety, in the RECORD:

SENATE JOINT RESOLUTION 1002

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence and plain good sense require that

the budget reflect all federal spending and be in balance; and

Whereas, fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat facing our nation; and

Whereas, constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments. Therefore, be it

Resolved by the Legislature of the State of Arizona:

1. That the Congress of the United States institute procedures to add a new article to the Constitution of the United States and that the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

2. That, alternatively, the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

3. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this joint Resolution then this petition for a constitutional convention shall no longer be of any force or effect.

4. That the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal Constitution or requiring the Congress to call a constitutional convention for proposing such an amendment to the federal Constitution.

5. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the President of the United States Senate, the Speaker of the House of Representatives of the United States, to each Member of the Arizona Congressional Delegation and to the Secretary of State and the presiding officers of both houses of the legislature of each of the other states in the Union.

Mr. CRAIG. Mr. Speaker, I would now yield to my colleague, the gentleman from Kansas [Mr. WHITTAKER].

Mr. WHITTAKER. I thank my colleague for yielding.

Mr. Speaker, on April 26, 1978, the State Legislature of Kansas petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal

budget and, that should Congress fail to act in that manner:

Be it further resolved: That, alternatively, the Legislature of the State of Kansas hereby makes application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the total of all appropriations made by the Congress for a fiscal year shall not exceed the total of all estimated Federal revenues for such fiscal year. If the Congress shall propose such an amendment to the Constitution, this application shall no longer be of any force or effect . . .

Mr. Speaker, I include the full contents of this resolution, in its entirety, in the RECORD:

SENATE CONCURRENT RESOLUTION No. 1661

Whereas, Annually the United States moves more deeply in debt as its expenditures exceed its available revenues and the public debt now exceeds hundreds of billions of dollars; and

Whereas, Annually the federal budget demonstrates the unwillingness or inability of the federal government to spend in conformity with available revenues; and

Whereas, Proper planning, fiscal prudence and plain good sense require that the federal budget be in balance absent national emergency; and

Whereas, A continuously unbalanced federal budget except in a national emergency causes continuous and damaging inflation and consequently a severe threat to the political and economic stability of the United States; and

Whereas, Under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary or, on the application of the legislatures of two-thirds of the states, the Congress shall call a constitutional convention for the purpose of proposing amendments: Now, therefore,

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein: That the Congress of the United States is hereby requested to propose and submit to the states an amendment to the Constitution of the United States which would require that within five years after its ratification by the various states, in the absence of a national emergency, the total of all appropriations made by the Congress for a fiscal year shall not exceed the total of all estimated federal revenues for such fiscal year; and

Be it further resolved: That, alternatively, the Legislature of the State of Kansas hereby makes application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the total of all appropriations made by the Congress for a fiscal year shall not exceed the total of all estimated federal revenues for such fiscal year. If the Congress shall propose such an amendment to the Constitution, this application shall no longer be of any force or effect; and

Be it further resolved: That the legislatures of each of the other states in the Union is hereby urged to request and apply to the Congress to propose, or to call a con-

vention for the sole and exclusive purpose of proposing, such an amendment to the Constitution; and

Be it further resolved: That the Secretary of State be directed to transmit copies of this resolution to the Clerk of the United States House of Representatives, the Secretary of the United States Senate, each member of the Kansas delegation in the United States Congress and the secretary of state and presiding officers of each house of the legislature of each state.

Mr. CRAIG. I thank my colleague, the gentleman from Kansas.

Mr. Speaker, I now yield to my colleague, the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. I thank the gentleman from Idaho for yielding.

Mr. Speaker, in May 1979 the State Legislature of New Hampshire petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Resolved, that, alternatively, this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto;

Mr. Speaker, I include the full contents of this resolution, in its entirety, in the RECORD:

CONCURRENT RESOLUTION

Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual Federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all Federal spending and be in balance; and

Whereas, the State of New Hampshire has long been known for its sensible, prudent approach to governmental spending; and

Whereas, the New Hampshire example of fiscal responsibility is a model for all to follow; and

Whereas, we believe that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call

a constitutional convention for the purpose of proposing amendments which shall be valid to all intents and purposes when ratified by three-fourths of the several states. We believe such action vital; now, therefore, be it

Resolved by the legislature of the state of New Hampshire, that this body proposes to the Congress of the United States that procedures be instituted in the Congress to propose and submit to the several states an amendment to the Constitution of the United States requiring that the federal budget be balanced in the absence of a national emergency; and be it further

Resolved, that, alternatively, this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto; and be it further

Resolved, that this application by this body constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar application pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this House Concurrent, then this petition for a Constitutional Convention shall no longer be of any force or effect; and be it further

Resolved, that this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and be it further

Resolved, that this Body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the Federal Constitution; and be it further

Resolved, that copies of this resolution be sent to the Secretary of State and presiding officers of both houses of the legislatures of each of the several states in the Union, the Speaker and the Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, and to each member of the New Hampshire named Congressional delegation.

Mr. CRAIG. I would like to thank my colleague, the gentleman from New Hampshire.

Mr. Speaker, I now yield to my colleague, the gentleman from Oregon [Mr. DENNY SMITH].

Mr. DENNY SMITH. I thank my colleague for yielding.

Mr. Speaker, on July 11, 1977, the State Legislature of the State of Oregon petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

(1) That this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

Mr. Speaker, I include the full contents of this resolution, in its entirety, in the RECORD:

SENATE JOINT MEMORIAL 2

To the Honorable Members of the Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Fifty-ninth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas the level of federal expenditures demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal Government to curtail spending to conform to available revenues; and

Whereas inflation is being fought almost exclusively by monetary policy while fiscal policy could and should be employed; and

Whereas the State of Oregon by its Constitution and its laws in adopting a budget must show a balanced relation between the total proposed spending and the total anticipated revenues or provide for paying the deficiency; and

Whereas it is just and proper that the United States of America in its obligation to provide leadership for all of the states of the union should pursue the same policy; and

Whereas a balanced budget would lessen the economic burdens on its citizens; and

Whereas a balanced budget would lessen the need for increased state and local taxes; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) That this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

(2) That this application by this body constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this Joint Memorial before January 1, 1979, this petition for a constitutional convention shall no longer be of any force or effect.

(3) That this body propose that the legislative body of each of the several states comprising the United States apply to the Congress of the United States requiring the Congress to call a constitutional convention for proposing an appropriate amendment to the Federal Constitution or requesting the enactment of such an amendment to be submitted to the states for ratification.

(4) That a copy of this memorial shall be transmitted to the President of the United States; to each member of the Oregon Congressional Delegation; to the presiding officers of the Senate and House of Representatives of the United States of America; to each Governor of each state in the United States of America; and to the presiding officer of each legislative body in the United States of America.

Mr. CRAIG. Mr. Speaker, I would now like to yield to my colleague, the gentleman from Colorado [Mr. KRAMER].

Mr. KRAMER. I thank the gentleman for calling this special order for this very important recitation.

Mr. Speaker, on March 31, 1978, the State Legislature of Colorado petitioned this body to enact and send to the State for ratification an amendment to the Constitution of the United States required a balanced Federal budget and, that should Congress fail to act in that manner:

That the Congress of the United States is hereby memorialized to call a constitutional convention pursuant to article V of the constitution of the United States for the specific and exclusive purpose of proposing an amendment to the federal constitution prohibiting deficit spending except under conditions specified in such amendment.

Mr. Speaker, I include the full contents of this resolution, in its entirety, in the RECORD:

SENATE JOINT MEMORIAL NO. 1

Whereas, With each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, The annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, Convinced that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is vital to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under article V of the constitution of the United States, amendments to the federal constitution may be proposed by the congress whenever two-thirds of both houses deem it necessary or on the application of the legislatures of two-thirds of the several states that the congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths of the several states; now, therefore,

Be It Resolved by the Senate of the Fifty-first General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the Congress of the United States is hereby memorialized to call a constitutional convention pursuant to article V of the constitution of the United States for the specific and exclusive purpose of proposing an amendment to the federal constitution prohibiting deficit spending except under conditions specified in such amendment.

Be It Further Resolved, That this application and request be deemed null and void, rescinded, and of no effect at the event that such convention not be limited to such specific and exclusive purpose.

Be It Further Resolved, That copies of this memorial be sent to the secretary of state and presiding officers of both houses of the legislatures of each of the several states in the union, the clerk of the United States House of Representatives, the secretary of the United States Senate, and to each member of the Colorado congressional delegation.

Mr. KRAMER. Mr. Speaker, again I thank the gentleman for his efforts in behalf of this Constitutional Conven-

tion and believe that we are engaged in a historic process that will serve the American people very well in days to come.

Mr. CRAIG. I would like to thank my colleague from Colorado.

Mr. Speaker, I now yield to my colleague, the gentleman from California [Mr. LAGOMARSINO] who will read the North Dakota resolution.

Mr. LAGOMARSINO. Mr. Speaker, on March 11, 1975, the State Legislature of North Dakota petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein:

That we respectfully propose an amendment to the Constitution of the United States and call upon the people of the several states for a convention for such purposes as provided by Article V of the Constitution, the proposed Article providing as follows:

Mr. Speaker, I include the full contents of this resolution in its entirety, in the RECORD:

SENATE CONCURRENT RESOLUTION NO. 4018

Be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein:

That we respectfully propose an amendment to the Constitution of the United States and call upon the people of the several states for a convention for such purpose as provided by Article V of the Constitution, the proposed Article providing as follows:

ARTICLE —

SECTION 1. The president shall submit, at the beginning of each new Congress, an annual budget for the ensuing fiscal year setting forth in detail the total proposed expenditures and the total estimated revenue of the Federal Government from sources other than borrowing. The president may set new revenue estimates from time to time. Expenditures for each two-year period shall not exceed the estimated revenue except in time of war or a national emergency declared by the Congress. The provisions of this Article shall not apply to the refinancing of the national debt; and

Be it further resolved, that copies of this resolution be forwarded by the Secretary of State to the legislatures of the several states.

Mr. CRAIG. I would like to thank my colleague, the gentleman from California.

Mr. Speaker, I now yield to my colleague, the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. I thank my colleague from Idaho.

Mr. Speaker, on June 4, 1979, the General Assembly of the State of Iowa petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

SEC. 2. Alternatively, effective July 1, 1980, if the Congress of the United States

has not proposed and submitted to the several states an amendment as provided in section one (1) of this resolution, the Iowa general assembly respectfully makes application to and petitions the congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

Mr. Speaker, I include the full contents of this resolution in its entirety, in the RECORD:

SENATE JOINT RESOLUTION 1

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is one of the greatest threats which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under Article five (V) of the Constitution of the United States, amendments to the federal Constitution may be proposed by the congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid to all intents and purposes when ratified by three-fourths of the several states, and we believe such action is vital; Now therefore, *be it resolved by the General Assembly of the State of Iowa:*

SECTION 1. The Iowa general assembly proposes to the congress of the United States that procedures be instituted in the congress to propose and submit to the several states before July 1, 1980, an amendment to the Constitution of the United States requiring that the federal budget be balanced in the absence of a national emergency.

SEC. 2. Alternatively, effective July 1, 1980, if the Congress of the United States has not proposed and submitted to the several states an amendment as provided in section one (1) of this resolution, the Iowa general assembly respectfully makes application to and petitions the congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

SEC. 3. Effective July 1, 1980, this application by the Iowa general assembly constitutes a continuing application in accordance with Article five (V) of the Constitution of

the United States until the legislatures of at least two-thirds of the several states have made similar applications pursuant to Article five (V), but if the congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution, or if before July 1, 1980, the general assembly repeals this application to call a constitutional convention, then this application and petition for a constitutional convention shall no longer be of any force or effect.

SEC. 4. This application and petition shall be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose.

SEC. 5. The Iowa general assembly also proposes that the legislatures of each of the several states comprising the United States apply to the congress requesting the enactment of an appropriate amendment to the federal Constitution, or requiring the congress to call a constitutional convention for proposing such an amendment to the federal Constitution if the Congress of the United States has not proposed and submitted to the several states an amendment as provided in section one (1) of this resolution before July 1, 1980.

SEC. 6. The secretary of state of Iowa is directed to send copies of this resolution to the secretary of state and presiding officers of both houses of the legislatures of each of the several states in the union, the speaker and the clerk of the United States house of representatives, the president and the secretary of the United States senate, and each member of the Iowa congressional delegation.

Mr. CRAIG. I thank the gentleman from Iowa.

Mr. Speaker, I now yield to my colleague, the gentleman from New Mexico [Mr. LUJAN].

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Speaker, in 1976 the State legislature of my home State of New Mexico petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Be it further resolved that, alternatively this body makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal constitution requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that Fiscal year.

Mr. Speaker, I include the full contents of this resolution, in its entirety, in the RECORD:

SENATE JOINT RESOLUTION 1

Be it resolved by the legislature of the State of New Mexico:

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under article 5 of the constitution of the United States, amendments to the federal constitution may be proposed by the congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the congress shall call a constitutional convention for the purpose of proposing amendments; we believe such action vital;

Now, therefore, be it resolved by the legislature of the State of New Mexico that this body proposes to the congress of the United States that procedures be instituted in the congress to add a new article to the constitution of the United States, and that the legislature of the state of New Mexico requests the congress to prepare and submit to the several states an amendment to the constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Be it further resolved that, alternatively, this body makes application and requests that the congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the federal constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Be it further resolved that this body also proposes that the legislatures of each of the several states compromising the United States apply to the congress requesting the enactment of an appropriate amendment to the federal constitution; or requiring the congress to call a constitutional convention for proposing such an amendment to the federal constitution; and

Be it further resolved that copies of this resolutions be sent by the secretary of state to the members of New Mexico's delegation to the congress of the United States; and

Be it further resolved that the secretary of state of this state is directed to send copies of this joint resolution to the secretary of state and presiding officers of both houses of the legislature of each of the other states in the union, the clerk of the United States House of Representatives, Washington, D.C. and the secretary of the United States Senate, Washington, D.C.

□ 1850

Mr. CRAIG. Mr. Speaker, I now yield to my colleague, the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Speaker, in April 1979 the State Legislature of Nevada petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Resolved by the Senate and Assembly of the State of Nevada, jointly, That this legislature requests the Congress of the United States to call a convention limited to proposing an amendment to the Constitution of the United States which would provide that, in the absence of a national emergency, the total of all federal appropriations for any fiscal year must not exceed the total of the estimated federal revenue for that year; and be it further

Mr. Speaker, I include the full contents of this resolution for printing in the RECORD, as follows:

SENATE JOINT RESOLUTION No. 8

Whereas, Proper economic planning, fiscal prudence and common sense require that the federal budget include all federal spending and be in balance; and

Whereas, The annual federal budgets continually reflect the unwillingness or inability of the legislative and executive branches of the Federal Government to balance the budget; and

Whereas, The national debt now amounts to hundreds of billions of dollars and is increasing enormously each year as federal expenditures exceed federal revenues; and

Whereas, The inflation and other results of the fiscal irresponsibility of the Federal Government demonstrate the need for a constitutional restraint upon excessive spending; and

Whereas, Article V of the Constitution of the United States provides that on the application of the legislatures of two-thirds of the states, Congress shall call a convention for proposing amendments to the Constitution; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That this legislature requests the Congress of the United States to call a convention limited to proposing an amendment to the Constitution of the United States which would provide that, in the absence of a national emergency, the total of all federal appropriations for any fiscal year must not exceed the total of the estimated federal revenue for that year; and be it further

Resolved, That this legislature conditions this request upon the Congress of the United States' establishing appropriate restrictions limiting the subject matter of a convention called pursuant to this resolution to the subject matter of this resolution, and if the Congress fails to establish such restrictions, this resolution has no effect and must be considered a nullity; and be it further

Resolved, That a copy of this resolution be immediately transmitted by the legislative counsel to the Vice President of the United States as President of the Senate and the Speaker of the House of Representatives of the United States, to each member of the Nevada congressional delegation and to the presiding officer of each house of the legis-

latures of the several states; and be it further.

Resolved, That this resolution shall become effective upon passage and approval.

Mr. CRAIG. Mr. Speaker, I thank my colleague, the gentlewoman from Nevada.

I now yield to my colleague, the gentleman from Wisconsin [Mr. ROTH], to present the Louisiana petition.

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding, and I want to commend him for taking this special order. If anyone is hitting a home run in this country tonight, I think it is the gentleman in the well in asking for this special order.

I saw recently where the U.S. News & World Report has made a survey and found that 78 percent of the American people have said that high-interest rates are the No. 1 issue as far as they are concerned, and related to that are the high deficits.

So I commend the people of Louisiana, and especially the gentleman in the chair this evening because he comes from that great State of Louisiana.

I would like to just read a few lines from this concurrent resolution from the State of Louisiana. It says this:

To memorialize and apply to the Congress of the United States, petitioning that a convention be called pursuant to Article V of the United States Constitution, to consider amending the same to prohibit the incurrence of national debt except in a state of emergency as declared by a three-fourths vote of the members of both houses of Congress; providing that the purview of such convention be strictly limited to the consideration of this amendment.

Whereas, the United States Government has, over the past three decades, embarked on a course of continuous and ever increasing deficit spending; and

Whereas, the public debt engendered thereby now far exceeds 300 billion dollars, and current budget proposals include provision for a further deficit of 43 billion dollars; and

Whereas, such national debt is, in and of itself, a major contributor to the very inflation to which the United States is committed to eradicating; and

Whereas, this massive national debt is inimical to the public welfare, limiting the amount of credit available to private citizens, thus curtailing opportunities for needed economic growth; and

Whereas, continued fiscal irresponsibility can only result in an eventual financial debacle of the sort recently experienced in some areas of our country.

Therefore, be it resolved by the Senate of the Legislature of the State of Louisiana, the House of Representatives thereof concurring, that pursuant to Article V of the Constitution of the United States, the Legislature of the State of Louisiana does hereby apply to the Congress of the United States for a convention to consider the following amendment to the United States Constitution:

Mr. Speaker, I want to commend the people of the State of Louisiana for electing people to their State legisla-

ture who had the insight and the foresight to pass a resolution like this, because if there is any one issue we in this Congress and we as the American people must address, it is the issue we are discussing right here, because we want to have a strong economy and we want to have a strong financial climate. This is an issue we must come to grips with. Everybody talks about a balanced budget, but nobody does anything about it. It is high time we do something about it because time is quickly running out.

Mr. Speaker, I include the full contents of this resolution for printing in the RECORD, as follows:

SENATE CONCURRENT RESOLUTION NO. 73

Whereas, the United States Government has, over the past three decades, embarked on a course of continuous and ever increasing deficit spending; and

Whereas, the public debt engendered thereby now far exceeds 300 billion dollars, and current budget proposals include provision for a further deficit of 43 billion dollars; and

Whereas, such national debt is, in and of itself, a major contributor to the very inflation to which the United States is committed to eradicating; and

Whereas, this massive national debt is inimical to the public welfare, limiting the amount of credit available to private citizens, thus curtailing opportunities for needed economic growth; and

Whereas, continued fiscal irresponsibility can only result in an eventual financial debacle of the sort recently experienced by New York City; and

Whereas, payment of the massive interest required to service national debt imposes an undue hardship on the citizenry, particularly those on fixed incomes; and

Whereas, the ability of the Federal Government to avoid the difficult budgetary choices posed by zero debt financing has resulted in a lack of objective budgetary analysis, and thus the funding of unnecessary or inefficient programs.

Therefore, be it resolved by the Senate of the Legislature of the state of Louisiana, the House of Representatives thereof concurring, that pursuant to Article V of the Constitution of the United States, the Legislature of the state of Louisiana does hereby apply to the Congress of the United States for a convention to consider the following amendment to the United States Constitution:

Section 1. Except as provided in Section 3, the Congress shall make no appropriation for any fiscal year if the resulting total of appropriations for such fiscal year would exceed the total revenues of the United States for such fiscal year.

Section 2. There shall be no increase in the national debt, and the existing debt, as it exists on the date on which this amendment is ratified, shall be repaid during the one hundred-year period following the date of such ratification. The rate of repayment shall be such that not less than one-tenth of the debt shall be repaid during each ten-year period.

Section 3. In times of national emergency, declared by the concurrent resolution of three-fourths of the membership of both Houses of Congress, the application of Section 1 may be suspended, provided that such suspension shall not be effective past the two-year term of the Congress which passes

such resolution. If such a national emergency continues to exist, a suspension of Section 1 may be reenacted pursuant to the provisions of this Section. National debt incurred pursuant to this Section shall be repaid under the provisions of Section 2; provided, however, that the repayment period shall commence upon the expiration of the suspension under which it was incurred.

Section 4. This article shall apply to fiscal years that begin six months after the date on which this article is ratified.

Section 5. Congress shall provide by law for strict compliance with this amendment.

Be it further resolved that the purview of any convention called by the Congress pursuant to this resolution be strictly limited to the consideration of an amendment of the nature as herein proposed.

Be it further resolved that this application by the Legislature of the state of Louisiana constitutes a continuing application pursuant to Article V of the United States Constitution, until such time as two-thirds of the Legislatures of the several states have made similar application, and the convention herein applied for is convened.

Be it further resolved that a duly attested copy of this resolution be immediately transmitted to the President of the United States, to the Secretary of the United States Senate, to the Clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress, and to the presiding officer of each house of each state Legislature in the United States.

Mr. Speaker, I thank the gentleman for yielding.

Mr. CRAIG. Mr. Speaker, I thank the gentleman very much. I appreciate his entering the State of Louisiana petition into the RECORD.

Mr. Speaker, I now yield to my colleague, the gentleman from Nebraska [Mr. DAUB].

Mr. DAUB. Mr. Speaker, I thank the distinguished gentleman from Idaho for the effort that is being made here tonight, and indeed, as my colleague, the gentleman from Wisconsin, said, although he may not be able to hit a home run, I would say that even though he is in the well, I view his stature as that of a pitcher on the mound. I would like to join in that kind of an accolade, indicating that tonight of all nights indeed this ought to be one for the home team, that team that is interested in the fiscal responsibility of our country.

This special order points out the way we can most effectively achieve that goal.

I have the privilege, Mr. Speaker, of reporting the contents of the Nebraska resolution.

On February 23, 1976, the State legislature of my home State, Nebraska, petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

2. That, alternatively, this Legislature makes application and requests that the Congress of the United States call a consti-

tutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

When you look at the second quarter growth figures of between 5 and 6 percent, when you look at the just-announced inflation figure of under 3 percent for the second quarter, then I think that all of those States, the 32 States that have acted, recognize that the potential for sustaining this great economic expansion that is underway lies much more clearly in this body's shouldering its responsibility. In the absence of that, we hope this will lead to two more States sending that same signal to Congress that it must act.

Mr. Speaker, in conclusion, as I commend the gentleman again and commend all my colleagues who participated in this special order, I include the full contents of the State of Nebraska resolution in the RECORD, as follows:

LEGISLATIVE RESOLUTION 106

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenue, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenue; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy is the greatest threat which faces our nation, we firmly believe that constitutional restraints is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action is vital.

Now, therefore, be it resolved by the members of the eighty-fourth Legislature of Nebraska, second session:

1. That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the State of Nebraska requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that

the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

2. That, alternatively, this Legislature makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

3. That this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal Constitution: or requiring the Congress to call a constitutional convention for proposing such an amendment to the federal Constitution.

4. That the Clerk of the Legislature transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?'"

Mr. Speaker, I thank the gentleman for yielding for this limited amount of time.

Mr. CRAIG. Mr. Speaker, I thank my colleague, the gentleman from Nebraska.

Mr. Speaker, I now yield to my colleague, the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman for yielding, and I commend him for what he is doing tonight.

On April 15, 1976, the State legislature of my home State of Oklahoma passed a joint resolution in which the legislature said:

Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance,

The State legislature petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget, and, that should Congress fail to act in that manner,

that alternatively, this Body requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Mr. Speaker, I agree with the people in the Oklahoma Legislature who passed this resolution when they stated that there is no issue more im-

portant facing the United States than the passage of a balanced Federal budget.

Mr. Speaker, I, therefore, include the full contents of the Oklahoma resolution for printing in the RECORD, as follows:

HOUSE JOINT RESOLUTION No. 1049

Whereas, with each passing year this nation becomes more deep in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars.

Whereas, the annual federal budget continually demonstrates unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues.

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit.

Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance.

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility.

Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states that the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action vital.

Now, therefore, be it resolved by the House of Representatives and the Senate of the 2nd Session of the 35th Oklahoma Legislature:

Section 1. That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the Legislature of the State of Oklahoma makes application and requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Section 2. That alternatively, this Body requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency, that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Section 3. That this Body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the Federal Constitution.

Section 4. That copies of this Resolution shall be sent by the Secretary of State to our members of Congress.

Section 5. That the Secretary of State of this state is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the Legislature, the Congress and of each of the other States in the Union.

Mr. CRAIG. Mr. Speaker, I thank my colleague, the gentleman from Oklahoma [Mr. EDWARDS].

Mr. Speaker, I now yield to my colleague, the gentleman from Florida [Mr. MACK].

Mr. MACK. Mr. Speaker, I thank the gentleman for yielding.

Before I read the resolution, let me make reference to a couple of points that were made in the State Memorial No. 234 from the State of Florida which was enacted in July 1978. I think that some of the numbers that are in here are rather interesting.

□ 1900

It says, "Whereas, it is estimated, as of August 1975, that the Federal debt at the end of the 1975 fiscal year will be \$558 billion," I think that number today is what—closer to a trillion four or a trillion five and that has only been in some 6 short years.

In addition, it says, "Whereas, the fiscal year deficit for 1976 will be the largest in our history, between \$70 and \$80 billion," and they go on to explain the potential impact in interest rates and the balance of the economy.

But at this point let me read that resolution:

Mr. Speaker, on July 13, 1978, the state legislature of Florida petitioned this body to enact and send to the states for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner, quote . . .

That the legislature of the state of Florida does hereby make application to the Congress of the United States pursuant to Article V of the Constitution of the United States to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to require a balanced Federal budget and to make certain exceptions with respect thereto.

Mr. Speaker, I request that the full contents of this resolution be entered in its entirety into the RECORD, as follows:

SENATE MEMORIAL No. 234

Whereas, it is estimated, as of August, 1975, that the federal debt at the end of the 1975 fiscal year will be \$558.637 billion, and

Whereas, the fiscal year deficit for 1976 will be the largest in our history, between \$70 and \$80 billion, and

Whereas, the growing debt is a major contributor to inflation, lagging economic investment, excessive interest rates, and the resulting unemployment, and

Whereas, the economic welfare of the United States and its citizens depends on a stable dollar and sound economy, and

Whereas, the National Conference of State Legislatures passed Resolution No. 11 at its Annual Business Meeting on October

10, 1975, urging the Congress to take prompt and affirmative action to limit federal spending, and

Whereas, there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the application of the legislatures of two-thirds of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, Now, therefore,

Be it resolved by the Legislature of the State of Florida:

That the Legislature of the State of Florida does hereby make application to the Congress of the United States pursuant to Article V of the Constitution of the United States to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

Be it further resolved that a copy of this memorial be transmitted to the presiding officers of the Senate and the House of Representatives of Congress, the members of the Congressional delegation from the State of Florida and to the presiding officers of each house of the several state legislatures.

Mr. CRAIG. Mr. Speaker, I would like to thank my colleague, the gentleman from Florida, for his participation in this special order.

Mr. Speaker, I now yield to my colleague, the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, let me first of all commend the tremendous efforts of the gentleman from Idaho which have I think begun to really help build a sense of momentum on behalf of an amendment to the Constitution to require a balanced Federal budget.

I am delighted to have a chance to participate tonight and to report, Mr. Speaker, that on February 13, 1976, the State Legislature of Georgia petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

That this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced Federal budget and to make certain exceptions with respect thereto.

Mr. Speaker, I request that the full contents of this resolution be entered in its entirety into the RECORD, as follows:

H.R. No. 469-1267

Be it resolved by the general assembly of Georgia:

That this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

Be it further resolved that this application by the General Assembly of the State

of Georgia constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this Resolution before January 1, 1977, this petition for a Constitutional Convention shall no longer be of any force or effect.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and instructed to transmit a duly attested copy of this Resolution to the Secretary of the Senate of the United States Congress, the Clerk of the House of Representatives of the United States Congress, to the Presiding Officer of each House of each State legislature in the United States, and to each member of the Georgia Congressional Delegation.

Mr. CRAIG. Mr. Speaker, I would like to thank my colleague, the gentleman from Georgia, for participating.

At this time, recognizing my colleague, the gentleman from Arkansas, Congressman JOHN PAUL HAMMERSCHMIDT, who could not be here tonight, I would like to read the following from the State of Arkansas:

STATEMENT OF CONGRESSMAN JOHN PAUL HAMMERSCHMIDT

Mr. Speaker, on February 1, 1979, the State legislature of Arkansas petitioned this body to enact and send to the states for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget, and that should Congress fail to act in that manner, I quote:

"Be it further resolved, that, alternatively, this Body makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year."

Mr. Speaker, I request that the full contents of this resolution be entered in its entirety into the RECORD, as follows:

Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual Federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all Federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is neces-

sary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action vital;

Now therefore, be it resolved by the seventy-second General Assembly of the State of Arkansas:

That this Body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the General Assembly of the State of Arkansas requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and be it further resolved:

That, alternatively, this Body makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and be it further resolved:

That this body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution, or requiring the Congress to call a constitutional convention for proposing such an amendment to the Federal Constitution; and be it further resolved:

That copies of this Resolution be sent by the Secretary of State to the Arkansas Congressional Delegation; and be it further resolved:

That the Secretary of State of the State of Arkansas is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the Legislature of each of the other States in the Union, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D.C.

Mr. Speaker, I now yield to my colleague, the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on March 31, 1976, the State Legislature of Pennsylvania petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Resolved, That, alternatively, the General Assembly of the Commonwealth of Pennsylvania makes application and requests that the Congress of the United States call a Constitutional Convention for the specific

and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year.

Mr. Speaker, I include the full contents of this resolution in its entirety into the RECORD, as follows:

RESOLUTION No. 236

Whereas, Requesting appropriate action by the Congress, either acting by consent of two-thirds of both Houses or, upon the application of the Legislatures of two-thirds of the several states, calling a Constitutional Convention to propose an amendment to the Federal Constitution to require, with certain exceptions, that the total of all Federal appropriations may not exceed the total of all estimated Federal revenues in any fiscal year.

Whereas, With each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, The annual Federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal Government to curtail spending to conform to available revenues; and

Whereas, Unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, Knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all Federal spending and be in balance; and

Whereas, Believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, Under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states the Congress shall call a Constitutional Convention for the purpose or proposing amendments. We believe such action vital; therefore be it

Resolved, (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the General Assembly of the Commonwealth of Pennsylvania requests the Congress to prepare and submit to the several states an appendix to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and be it further:

Resolved, That, alternatively, the General Assembly of the Commonwealth of Pennsylvania makes application and requests that the Congress of the United States call a Constitutional Convention for the specific

and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all expended Federal revenue for that fiscal year; and be it further

Resolved, That the General Assembly of the Commonwealth of Pennsylvania also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call Constitutional Convention for proposing such an amendment to the Federal Constitution; and be it further

Resolved, That copies of this resolution be sent to the members of the Congress from Pennsylvania; and be it further

Resolved, That the Chief Clerk of the House of Representatives send copies of their joint resolution to the Secretary of State and presiding officers of both Houses of the legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, Washington, D.C. and the Secretary of the United States Senate, Washington, D.C.

Mr. CRAIG. Mr. Speaker, I would like to thank my colleague, the gentleman from Pennsylvania.

I now yield to my colleague, the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, on June 16, 1977, the State Legislature of Texas petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Resolved, That, alternatively, this body request that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the federal constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and, be it further

Mr. Speaker, I include the full contents of this resolution in its entirety into the RECORD, as follows:

H.C.R. No. 31

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 65th Legislative propose to the Congress of the United States that procedures be instituted in the congress to add a new article to the Constitution of the United States, and that the State of Texas request the Congress to prepare and submit to the several states an amendment to the Constitution of the United States requiring, in the absence of a national emergency, that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and, be it further

Resolved, That, alternatively, this body request that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the federal constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any

fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and, be it further

Resolved, that this body also propose that the legislatures of each of the several states comprising the United States apply to the congress requesting the enactment of an appropriate amendment to the federal constitution; or requiring the congress to call a constitutional convention for proposing such an amendment to the federal constitution; and, be it further

Resolved, That official copies of this resolution be prepared and forwarded to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to all members of the Texas delegation to congress; and, be it further

Resolved, That official copies of this resolution also be printed and forwarded to the secretaries of state and to the presiding officers of the legislatures of the other states with the request that they join this state in making application to the United States Congress to call a convention for proposing the aforementioned amendment to the United States Constitution.

Mr. CRAIG. Mr. Speaker, I would like to thank my colleague, the gentleman from Texas.

I now yield to my colleague, the gentleman from Florida.

Mr. MACK. Mr. Speaker, I thank the gentleman for yielding.

I would like on behalf of Congresswoman MARJORIE HOLT to read into the RECORD the resolution from the State of Maryland:

STATEMENT OF CONGRESSWOMAN MARJORIE S. HOLT

Mr. Speaker, on April 3, 1975, the State legislature of Maryland petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

"Resolved, That this Body further and alternatively requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing such an amendment to the Federal Constitution, to be a new Article XXVII; and be it further"

Mr. Speaker, I include the full contents of this resolution in its entirety into the RECORD, as follows:

RESOLUTION No. 77

Whereas, With each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars.

Attempts to limit spending, including impoundment of funds by the President of the United States, have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress.

The annual Federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues.

The unified budget of 304.4 billion dollars for the current fiscal year does not reflect actual spending because of the exclusions of special outlays which are not included in

the budget nor subject to the legal public debt limit.

As reported by U.S. News and World Report on February 25, 1974, of these non-budgetary outlays in the amount of 15.6 billion dollars, the sum of 12.9 billion dollars represents funding of essentially private agencies which provide special service to the federal government.

Knowledgeable planning and fiscal prudence require that the budget reflect all Federal spending and that the budget be in balance.

Believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal disciplines needed to reverse this trend.

Under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments; now, therefore, be it

Resolved by the General Assembly of Maryland, That this Body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article XXVII to the Constitution of the United States, and that the General Assembly of Maryland requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues, excluding any revenues derived from borrowing, for that fiscal year; and be it further

Resolved, That this Body further and alternatively requests that the Congress of the United States call a constitutional convention for the special and exclusive purpose of proposing such an amendment to the Federal Constitution, to be a new Article XXVII; and be it further

Resolved, That this Body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requiring it to call a constitutional convention for proposing such an amendment to the Federal Constitution, to be a new Article XXVII; and be it further

Resolved, That the proposed new Article XXVII (or whatever numeral may then be appropriate) read substantially as follows:

PROPOSED ARTICLE XXVII

"The total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues for that fiscal year, excluding any revenues derived from borrowing; and this prohibition extends to all Federal appropriations and all estimated Federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this Article. If the President proclaims a national emergency, suspending the requirement that the total of all Federal appropriations not exceed the total estimated Federal revenues for a fiscal year, excluding any revenues derived from borrowing, and two-thirds of all Members elected to each House of the Congress so determine by Joint Resolution, the total of all Federal appropriations may exceed the total estimated

Federal revenues for that fiscal year." And, be it further

Resolved, That copies of this Resolution under the Great Seal of the State of Maryland, be sent by the Secretary of State to: Honorable Gerald Ford, President of the United States, Washington, D.C.; Honorable Charles McC. Mathias, Old Senate Office Building, Washington, D.C.; Honorable J. Glenn Beall, Jr., Old Senate Office Building, Washington, D.C.; Honorable Carl Albert, Speaker of the House of Representatives, Washington, D.C.; Honorable Robert E. Bauman, Longworth Building, Washington, D.C.; Honorable Clarence D. Long, Rayburn Building, Washington D.C.; Honorable Paul S. Sarbanes, Cannon Office Building, Washington, D.C.; Honorable Marjorie S. Holt, Longworth Building, Washington, D.C.; Honorable Gladys Spellman, House Office Building, Washington, D.C.; Honorable Goodloe E. Byron, Longworth Building, Washington, D.C.; Honorable Parren J. Mitchell, Cannon Building, Washington, D.C.; and Honorable Gilbert Gude, Cannon House Office Building, Washington, D.C.; and be it further

Resolved, That under the Great Seal of the State of Maryland, the Secretary of State is directed to send copies of this Joint Resolution to the Secretary of State and to the presiding officers of both Houses of the Legislature of each of the other States in the Union, with the request that it be circulated among leaders in the Executive and Legislative branches of the several State governments; and with the further request that each of the other States in the Union join in requiring the Congress of the United States to call a constitutional convention for the purpose of initiating a proposal to amend the Constitution of the United States in substantially the form proposed in this Joint Resolution of the General Assembly of Maryland.

The SPEAKER pro tempore. The Chair will state that the gentleman would have to obtain the permission of the gentlewoman from Maryland [Mrs. Holt] in order to do that.

Mr. MACK. I believe that permission has been obtained in advance.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. CRAIG. Mr. Speaker, I now yield to my colleague, the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding.

On behalf of our colleague, the gentleman from Indiana, Mr. DAN BURTON, I would like to read into the RECORD the resolution from the State of Indiana. It is very short, but it makes the point. It says:

STATEMENT OF CONGRESSMAN DAN BURTON

Mr. Speaker, on April 4, 1979 the State legislature of Indiana petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

"Section 1. The General Assembly of the State of Indiana makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the Constitution to the

effect that, in the absence of a national emergency, the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year."

Mr. Speaker, I include the full contents of this resolution in its entirety into the RECORD, as follows:

SENATE ENROLLED JOINT RESOLUTION NO. 8

Be it resolved by the General Assembly of the State of Indiana:

Section 1. The General Assembly of the State of Indiana makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the Constitution to the effect that, in the absence of a national emergency, the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year.

Section 2. The Secretary of the Senate is instructed to transmit a certified copy of this joint resolution to the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, the presiding officer of each chamber of each state legislature in the United States, and each member of the Indiana congressional delegation.

Mr. CRAIG. Mr. Speaker, I would like to thank my colleague for participating on behalf of Congressman DAN BURTON from Indiana.

I now yield to my colleague, the gentleman from California [Mr. DANNEMEYER] to read into the RECORD the resolution of South Dakota, on behalf of the gentleman from South Dakota, Mr. TOM DASCHLE.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague, the gentleman from Idaho [Mr. CRAIG] for yielding me this time.

Mr. Speaker, on January 31, 1979, the State Legislature of South Dakota petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Be it further resolved, that alternatively, this Legislature hereby makes application under said Article V of the Constitution of the United States and with the same force and effect as if this Resolution consisted of this portion alone and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency, as defined by law, that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Mr. Speaker, I include the full contents of this resolution in its entirety into the RECORD, as follows:

SENATE JOINT RESOLUTION 1

Whereas, with each passing year this nation becomes more deeply in debt as its

annual expenditures frequently exceed annual available revenues, so that the public debt also steadily increases to a size of inordinate proportions; and

Whereas, unified budgets do not necessarily reflect actual spending because of the exclusion of special spending outlays which are not included in the budget nor are subject to the statutory legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, we believe that fiscal irresponsibility at the federal level, with the inflation which results primarily from this policy, is the greatest threat which faces our nation, and that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing such amendments:

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

That the Legislature does hereby make application to the Congress of the United States that procedures be instituted on the Congress to add a new article to the Constitution of the United States, and that the Legislature of the State of South Dakota hereby requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency, as defined by law, that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Be it further resolved, that alternatively, this Legislature hereby make application under said Article V of the Constitution of the United States and with the same force and effect as if this Resolution consisted of this portion alone and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency, as defined by law, that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Be it further resolved, that this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and

Be it further resolved, that this application by this legislature constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made applications for similar relief pursuant to Article V, but, if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this Joint Resolution then this petition for a Constitutional Convention shall no longer be of any force or effect; and

Be it further resolved, that this Legislature also proposes that the legislatures of

each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution, or requiring the Congress to call a constitutional convention for proposing such an amendment to the Federal Constitution; and

Be it further resolved, that copies of this Joint Resolution be sent by the Secretary of State to each member of the South Dakota Congressional Delegation; and

Be it further resolved, that the Secretary of State is directed to send copies of this Joint Resolution to the presiding officers of both Houses of the Legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, Washington, D.C. and the Secretary of the United States Senate, Washington, D.C.

Requesting appropriate action by the Congress, either acting by consent of two-thirds of both houses thereof or, upon the application of the legislatures of two-thirds of the several states, calling a constitutional convention therefor to propose an amendment to the Constitution of the United States to require, with certain exceptions, that the total of all federal appropriations may not exceed the total of all estimated federal revenues in any fiscal year.

Mr. CRAIG, Mr. Speaker, I would like to yield further to my colleague, the gentleman from California [Mr. DANNEMEYER] to read into the RECORD the resolution of the State of Tennessee on behalf of the gentleman from Tennessee, Mr. JOHN DUNCAN.

Mr. DANNEMEYER, I would be happy to do that, and I thank the gentleman for yielding me the time.

Mr. Speaker, on March 30, 1977, the State Legislature of Tennessee petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Be it further resolved, That this application shall constitute a continuing application for such convention under Article V of the Constitution of the United States until the legislatures of two-thirds (2/3) of the several states shall have made like applications and such convention shall have been called and held in conformity therewith, unless the Congress itself proposes such amendment within the time and the manner herein provided.

Mr. Speaker, I include the full contents of this resolution in its entirety in the RECORD, as follows:

HOUSE JOINT RESOLUTION NO. 22

Whereas, each year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the legal public debt limit has exceeded 437 billion dollars; and

Whereas, attempts to limit spending, including impoundment of funds by the President of the United States, have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress; and

Whereas, nonetheless, the annual budget repeatedly demonstrates an unwillingness or inability to curtail spending to conform to available revenues; and

Whereas, the federal budget never reflects actual spending because of the exclusion of

special outlays which are neither included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning requires that the budget reflect all federal spending and that the budget be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that a constitutional restraint is necessary to bring the fiscal disciplines needed to reverse this trend; now, therefore,

Be it resolved by the House of Representatives of the Ninetieth General Assembly of the State of Tennessee, the Senate concurring, That pursuant to Article V of the Constitution of the United States, application is hereby made to the United States Congress to call a convention for the United States Congress to call a convention for the purpose of considering and proposing an amendment to the Constitution of the United States to require that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated federal revenues for that fiscal year, such amendment to read substantially as follows:

The total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated federal revenues for that fiscal year; and this prohibition extends to all federal appropriations and all estimated federal revenues without exception. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this article. If the President proclaims a national emergency, suspending the requirement that the total of all federal appropriations not exceed the total estimated federal revenues for a fiscal year, and two-thirds (2/3) of all members elected to each house of the Congress so determine by joint resolution, the total of all federal appropriations may exceed the total estimated federal revenues for that fiscal year.

Be it further resolved, That this application shall constitute a continuing application for such convention under Article V of the Constitution of the United States until the legislatures of two-thirds (2/3) of the several states shall have made like applications and such convention shall have been called and held in conformity therewith, unless the Congress itself proposes such amendment within the time and the manner herein provided.

Be it further resolved, That proposal of such amendment by the Congress and its submission for ratification to the legislatures of the several states substantially in the form of the article hereinabove specifically set forth, at any time prior to sixty (60) days after the legislatures of two-thirds (2/3) of the several states shall have made application for such convention, shall render such convention unnecessary and the same not be held. Otherwise, such convention shall be called and held in conformity with such applications.

Be it further resolved, That as this application under Article V of the Constitution of the United States is the exercise of a fundamental power of the sovereign states under the Constitution of the United States, it is requested that receipt of this application by the Senate and the House of Representatives of the Congress of the United States be officially noted and duly entered upon their respective records, and that the

full context of this resolution be published in the official publication of both the Senate and the House of Representatives of the Congress.

Be it further resolved, That certified copies of this Resolution be transmitted forthwith to the Senate and the House of Representatives of the Congress of the United States, to each Senator and Representative in Congress from this state, and to each house of the legislature and to the Secretary of State of each of the several states.

Mr. CRAIG. Mr. Speaker, I would like to thank my colleague.

Mr. Speaker, at this time I would like to read into the RECORD the resolution of the State of Delaware, which petitioned this Congress on June 23, 1975, for a constitutional amendment to balance the Federal budget.

On June 23, 1975, the State Legislature of Delaware petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

"Be it resolved by the House of Representatives of the 128th General Assembly, the Senate concurring therein, that the General Assembly of the State of Delaware hereby, and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States."

Mr. Speaker, I include the full contents of this resolution in its entirety into the RECORD as follows:

HOUSE CONCURRENT RESOLUTION NO. 36

Be it resolved by the House of Representatives of the 128th General Assembly, the Senate concurring therein, that the General Assembly of the State of Delaware hereby, and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States:

"ARTICLE —. The costs of operating the Federal Government shall not exceed its income during any fiscal year, except in the event of declared war."

Be it further resolved that this application by the General Assembly of the State of Delaware constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V.

Be it yet further resolved, that since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and, since the power to use such right in full also carries the power to use such right in part, the General Assembly of the State of Delaware interprets Article V to mean that if two-thirds of the states make application for a convention to

propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the test thereof nor would it have power to propose other amendments on the same or different propositions.

Be it yet further resolved that a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, to each member of the Congress from this State and to each House of each State Legislature in the United States.

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Mr. CRAIG. I would now like to yield to my colleague from the State of Utah for the purpose of reading that State's legislative effort into the RECORD.

Mr. HANSEN of Utah. I thank the gentleman.

Mr. Speaker, In April 1979 the State legislature of Utah petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Be it further resolved that, alternatively, this legislature applies to the Congress of the United States to call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the federal Constitution which would require, in the absence of a national emergency, that the total of all federal appropriations made by the Congress for any fiscal year may not exceed that total of all estimated federal revenues for that fiscal year.

Mr. Speaker, I include the full contents of this resolution be entered in its entirety into the RECORD, as follows:

RESOLUTION

Be it resolved by the Legislature of the State of Utah:

Whereas, with each passing year, this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars;

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues;

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit.

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance;

Whereas, numerous states have constitutional requirements that appropriations not exceed anticipated revenues for the forthcoming year;

Whereas, believing that fiscal irresponsibility at the federal level, and the inflation which results therefrom, constitutes the greatest threat now facing our nation, this

Legislature is of the firm conviction that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under Article V of the Constitution of the United States, amendments to the federal constitution may be proposed by the Congress, whenever two-thirds of both houses deem it necessary and, on the application of the legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the sole purpose of proposing amendments, which action this Legislature deems vital: Now, therefore,

Be it resolved by the 43rd Legislature of the State of Utah, That the Congress of the United States is requested to institute procedures to add a new article to the Constitution of the United States and to prepare and submit to the several states an amendment to the Constitution of the United States requiring, in the absence of a national emergency, that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Be it further resolved, That, alternatively, this Legislature applies to the Congress of the United States to call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the federal constitution which would require, in the absence of a national emergency, that the total of all federal appropriations made by the Congress for any fiscal year may not exceed that total of all estimated federal revenues for that fiscal year.

Be it further resolved, That this Legislature calls upon the legislatures of each of the several states to request Congress to enact an appropriate amendment to the federal constitution or, in the alternative, to apply to the Congress to call a constitutional convention for the sole purpose of proposing such an amendment to the federal constitution.

Be it further resolved, That copies of this Resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives of the United States and to all members of the Utah delegation in Congress.

Be it further resolved, That copies of this Resolution also be prepared and forwarded to the secretaries of state and to the presiding officers of the legislatures of the several states with the request that they join this State in making application to the Congress of the United States to pass such an amendment or, in the alternative, to call a convention for the sole purpose of proposing such an amendment.

Be it further resolved, That this application for a Convention Call for proposing amendments be limited to the subject matter of this Resolution and that the State of Utah be counted as a part of the necessary two-thirds states for such a call only if the convention is limited to the subject matter of this Resolution.

Mr. CRAIG. Mr. Speaker, I thank my colleague from Utah.

Mr. Speaker, I now yield to my colleague from Pennsylvania [Mr. WALKER] for the purpose of reading into the RECORD at the request of Congressman LOTT the Mississippi resolution.

Mr. WALKER. I thank the gentleman for yielding. I am very pleased to

read into the RECORD the Mississippi resolution for the distinguished minority whip of the House, Mr. LOTT.

Mr. Speaker, on February 25, 1975, the State Legislature of Mississippi petitioned this body to enact and send to the State for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Now Therefore, *Be it Resolved by the House of Representatives of the State of Mississippi, the Senate Concurring Therein*, That we do hereby, pursuant to Article V of the Constitution of the United States, make application to the Congress of the United States to call a convention of the several states for the proposing of the following amendment to the Constitution of the United States:

Mr. Speaker, I include the full contents of this resolution in its entirety into the RECORD, as follows:

RESOLUTION

Whereas, an ever-increasing public debt is inimical to the general welfare of the people of the United States; and

Whereas, the national debt is already dangerously high and any further increases will be harmful and costly to the people of the United States; and

Whereas, a continuous program of deficit financing by the Federal Government is one of the greatest factors supporting the inflationary conditions presently existing in this country and therefore has been the chief factor in reducing the value of the American currency; and

Whereas, payment of the increased interest required by the ever-increasing debt would impose an undue hardship on those with fixed incomes and those in lower income brackets; and

Whereas, it is not in the best interest of either this or future generations to continue such a practice of deficit spending particularly since this would possibly deplete our supply of national resources for future generations; and

Whereas, by constantly increasing deficit financing the Federal Government has been allowed to allocate considerable funds to wasteful and in many instances nonbeneficial public programs; and

Whereas, by limiting the Federal Government to spend only the revenues that are estimated will be collected in a given fiscal year, except for certain specified emergencies, this could possibly result in greater selectivity of Federal Government programs for the benefit of the public and which would depend upon the willingness of the public to pay additional taxes to finance such programs; and

Whereas, there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the application of the legislatures of two-thirds (2/3) of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths (3/4) of the several states, or by conventions in three-fourths (3/4) thereof, as the one or the other mode of ratification may be proposed by the Congress:

Now Therefore, *Be it Resolved by the House of Representatives of the State of Mississippi, the Senate Concurring Therein*, That we do hereby, pursuant to Article V of the Constitution of the United States, make

application to the Congress of the United States to call a convention of the several states for the proposing of the following amendment to the Constitution of the United States:

"ARTICLE —

SECTION 1. Except as provided in Section 3, the Congress shall make no appropriation for any fiscal year if the resulting total of appropriations for such fiscal year would exceed the total revenues of the United States for such fiscal year.

SEC. 2. There shall be no increase in the national debt and such debt, as it exists on the date on which this article is ratified, shall be repaid during the one-hundred-year period beginning with the first fiscal year which begins after the date on which this article is ratified. The rate of repayment shall be such that one-tenth (1/10) of such debt shall be repaid during each ten-year interval of such one-hundred-year period.

SEC. 3. In time of war or national emergency, as declared by the Congress, the application of Section 1 or Section 2 of this article, or both such sections, may be suspended by a concurrent resolution which has passed the Senate and the House of Representatives by an affirmative vote of three-fourths (3/4) of the authorized membership of each such house. Such suspension shall not be effective past the two-year term of the Congress which passes such resolution, and if war or an emergency continues to exist such suspension must be reenacted in the same manner as provided herein.

SEC. 4. This article shall apply only with respect to fiscal years which begin more than six (6) months after the date on which this article is ratified."

Be it Further Resolved, That this application by the Legislature of the State of Mississippi constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds (2/3) of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1976, this application for a convention of the several states shall no longer be of any force or effect.

Be it Further Resolved, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States; to each member of the Congress from this state; and to each house of each state legislature in the United States.

Mr. CRAIG. I thank my colleague.

Mr. Speaker, I further yield to my colleague from Pennsylvania [Mr. WALKER] for the purpose of reading into the RECORD for Congressman BILL EMERSON the State of Missouri's resolution.

Mr. WALKER. Mr. Speaker, I thank the gentleman again for yielding.

Mr. Speaker, in 1983 the State Legislature of Missouri petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Be it further resolved that if, by January 1, 1984, the Congress has not proposed and submitted to the several states such an

amendment, this body respectfully makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto; and

Mr. Speaker, I include the full contents of this resolution in its entirety into the RECORD, as follows:

SENATE CONCURRENT RESOLUTION No. 3

For the purpose of requesting appropriate action by the Congress, either acting by consent of two-thirds of both houses or, upon the application of the legislatures of two-thirds of the several states, to propose an amendment to the federal constitution to require, with certain exceptions, that the federal budget be balanced.

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds one trillion dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to limit the growth of federal spending and taxes and balance the budget; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget; and

Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance on a regular basis; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, the federal deficit in Fiscal Year 1982 was \$110.7 billion, nearly double the deficit in Fiscal year 1981; and

Whereas, the Congressional Budget Office projects a deficit for Fiscal Years 1983 and 1984 of \$155 billion and \$200 billion, respectively; and

Whereas, the United States Senate approved a proposed balance budget amendment in response to the efforts of the thirty-one state legislatures which have requested a limited convention on this subject, and its conviction about the need for a constitutional restraint upon Congress' fiscal authority; and

Whereas, the Reagan Administration has indicated that the budget will not be balanced by 1984; and

Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid for all intents and purposes when ratified by three-fourths of the several states, and whereas, believing such action to be vital;

Now, therefore, be it resolved by the Senate of the Eighty-second General Assembly of the State of Missouri, the House of Representatives concurring therein, that the Missouri General Assembly proposes to

the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the Missouri General Assembly requests the Congress to prepare and submit to the several states before January 1, 1984, an amendment to the Constitution of the United States, requiring a balanced federal budget and to make certain exceptions with respect thereto; and

Be it further resolved that if, by January 1, 1984, the Congress has not proposed and submitted to the several states such an amendment, this body respectfully makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto; and

Be it further resolved that effective January 1, 1984, this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made similar applications pursuant to Article V, but if the Congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution, then this application and petition for a constitutional convention shall no longer be of any force or effect; and

Be it further resolved that this application shall be deemed null and void, rescinded and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and

Be it further resolved that this body also proposes that the legislatures of each of the several states comprising the United States which have not yet made similar applications apply to the Congress requesting the enactment of an appropriate amendment to the federal constitution, and making application to the Congress to call a constitutional convention for the purpose of proposing such an amendment to the federal constitution; and

Be it further resolved that copies of this resolution be sent by the Secretary of the Senate and the Chief Clerk of the House of Representatives to each member of Congress representing Missouri; and

Be it further resolved that the Secretary of the Senate and the Chief Clerk of the House of Representatives of this state be directed to send copies of this resolution to the Secretary of State and presiding officers of both Houses of the Legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, Washington, D.C. and the Secretary of the United States Senate, Washington, D.C.

Mr. CRAIG. I thank my colleague from Pennsylvania [Mr. WALKER].

Mr. Speaker, I would now like to yield to my colleagues from Florida [Mr. MACK] for the purpose of reading into the RECORD, with the permission of Congressman TOM BLILEY the State of Virginia's resolution.

Mr. MACK. Mr. Speaker, on March 10, 1976, the General Assembly of the Commonwealth of Virginia petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal

budget and, that should Congress fail to act in that manner:

Resolved further, that, alternatively, this body makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year;

Mr. Speaker, I include the full contents of this resolution into the RECORD in its entirety, as follows:

SENATE JOINT RESOLUTION NO. 36

Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual Federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all Federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments; and

Whereas, we believe such action vital; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the General Assembly of Virginia proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that this Body hereby requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and, be it

Resolved further, That, alternatively, this Body makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and, be it

Resolved further, That this Body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the Federal Constitution; and, be it

Resolved finally, That copies of this resolution be presented forthwith to the President of the Senate and the Speaker of the House of Representatives of the United States, to each of the Senators and Representatives from Virginia and to the legislatures of each of the several states, attesting the adoption of this resolution.

Mr. CRAIG. I thank my colleague.

Mr. Speaker, I would like to further yield to my colleague from Florida [Mr. MACK] to read, on behalf of Congressman DICK CHENEY, the State of Wyoming's resolution into the RECORD.

Mr. MACK. Mr. Speaker, on March 17, 1977, the State Legislature of Wyoming petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Section 2. That the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing such an amendment to the Federal Constitution, to be a new Article XXVII.

Mr. Speaker, I include the full contents of this resolution in its entirety into the RECORD, as follows:

ENROLLED JOINT RESOLUTION NO. 1

Whereas, with each passing year this title becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now amounts to hundreds of billions of dollars; and

Whereas, attempts to limit spending, including impoundment of funds by the President of the United States, have resulted in strenuous assertions that the responsibility for appropriations is the constitutional duty of the Congress; and

Whereas, the annual Federal budget repeatedly demonstrates the unwillingness or inability of both the legislative and executive branches of the Federal Government to curtail spending to conform to available revenues; and

Whereas, the unified budget does not reflect actual spending because of the exclusions of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, the U.S. News and World Report reported on February 25, 1974, that of these nonbudgetary outlays in the amount of \$15,600,000,000.00, the sum of \$12,900,000,000.00 represents funding of essentially private agencies which provide special services to the Federal Government; and

Whereas, knowledgeable planning and fiscal prudence require that the budget reflect all Federal spending and that the budget be in balance; and

Whereas, believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly

believe that constitutional restraint is necessary to bring the fiscal disciplines needed to reverse this trend; and

Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments;

Now, therefore be it resolved by the Legislature of the State of Wyoming, a majority of all members of the two houses, voting separately, concurring herein:

Section 1. That procedures be instituted in the Congress to add a new Article XXVII to the Constitution of the United States, and that Congress prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues, excluding any revenues derived from borrowing, for that fiscal year; or

Section 2. That the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing such an amendment to the Federal Constitution, to be a new Article XXVII.

Section 3. That the legislatures of each of the several states comprising the United States apply to the Congress requiring it to call a constitutional convention for proposing such an amendment to the Federal Constitution, to be a new Article XXVII.

Section 4. That the proposed new Article XXVII (or whatever numeral may then be appropriate) read substantially as follows:

PROPOSED ARTICLE XXVII

"The total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues for that fiscal year, excluding any revenues derived from borrowing; and this prohibition extends to all Federal appropriations and all estimated Federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this Article. If the President proclaims a national emergency, suspending the requirement that the total of all Federal appropriations not exceed the total estimated Federal revenues for a fiscal year, excluding any revenues derived from borrowing, and two-thirds of all Members elected to each House of the Congress concur by Joint Resolution, the total of all Federal appropriations may exceed the total estimated Federal revenues for that fiscal year."

Section 5. That copies of this Resolution be transmitted to the President of the United States, the chairmen of the Judiciary Committees of both the Senate and House of Representatives, the chairman of the Joint Committee on Budget Control of the Congress and to each member of the Wyoming Congressional delegation.

Section 6. That copies of this Joint Resolution be transmitted to the Secretary of State and to the presiding officers of both Houses of the Legislature of each of the other States in the Union, with the request that it be circulated among leaders in the Executive and Legislative branches of the several State governments; and with the further request that each of the other States in the Union join in requiring the

Congress of the United States to call a constitutional convention for the purpose of initiating a proposal to amend the Constitution of the United States in substantially the form proposed in this Joint Resolution.

Mr. CRAIG. I would like to thank my colleague from Florida [Mr. MACK].

Mr. Speaker, I would now like to yield to my colleague from Montana [Mr. MARLENEE] to read into the RECORD for Congressman JAMES BROYHILL of North Carolina the State of North Carolina Legislature resolution.

Mr. MARLENEE. Mr. Speaker, on January 29, 1979, the State Legislature of North Carolina petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Sec. 2. That, alternatively, this body respectfully petitions the Congress of the United States to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget in the absence of a national emergency.

Mr. Speaker, I include the full contents of this resolution in its entirety into the RECORD, as follows:

SENATE JOINT RESOLUTION 1

Whereas, believing that inflation is the most serious problem facing the people of the United States, and the primary cause of inflation is unchecked federal spending; and

Whereas, the State of North Carolina is required by its Constitution to have a balanced budget, and has long operated on a sound fiscal basis which the federal government would be well-served to emulate; and

Whereas, under Article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the Congress shall call a Constitutional Convention for the purpose of proposing amendments which shall be valid when ratified by the legislatures of three-fourths of the several states or by conventions in three-fourths thereof;

Whereas, by Resolution 97 of the General Assembly, ratified July 1, 1977, the Congress was requested to submit an amendment to the states to require a balanced federal budget, but the Congress has failed to act; Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the Congress of the United States is requested to propose and submit to the states an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the federal budget be balanced each fiscal year within four years after the amendment is ratified by the various states.

Sec. 2. That, alternatively, this body respectfully petitions the Congress of the United States to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget in the absence of a national emergency.

Sec. 3. That this application constitutes a continuing application in accordance with

Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, or until this application is rescinded by the General Assembly of North Carolina; but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this joint resolution before January 1, 1980, this petition for a Constitutional Convention shall no longer be of any effect.

Sec. 4. That this application and request be deemed rescinded in the event that the convention is not limited to the subject matter of this application.

Sec. 5. That since this application under Article V of the Constitution of the United States is the exercise of a fundamental power of the sovereign states under the Constitution of the United States, it is requested that receipt of this application by the Senate and the House of Representatives of the United States Congress be officially noted and duly entered upon their respective records, and that the full context of this resolution be published in the official publication of both the Senate and the House of Representatives of the Congress.

Sec. 6. That copies of this resolution be sent to the Secretaries of State, presiding officers of all state legislatures in the Union, the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and each member of the North Carolina Congressional delegation.

Sec. 7. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of January, 1979.

Mr. CRAIG. I would further like to yield to my colleague from Montana [Mr. MARLENEE] to read into the RECORD on behalf of Congressman TOMMY HARTNETT of the State of South Carolina the South Carolina Legislature's resolution.

Mr. MARLENEE. Mr. Speaker, in 1978 the State Legislature of South Carolina petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

That Congress is requested, pursuant to Article V of the United States Constitution, to call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution.

Mr. Speaker, I include the full contents of this resolution in its entirety into the RECORD, as follows:

CONCURRENT RESOLUTION

Whereas, with each passing year this Nation becomes more deeply in debt as congressional expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds a half-trillion dollars; and

Whereas, attempts to limit spending by means of the new congressional budget committee procedures have proved fruitless; and

Whereas, the annual Federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to

curtail spending to conform to available revenues; and

Whereas, the proposed budget of five hundred billion dollars for fiscal year 1978-79 does not reflect total spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, believing that fiscal irresponsibility at the Federal level, with the resulting inflation and decline in the Nation's trading position is a growing and corrosive threat to our economy, to the well-being of our people, and to our representative democracy, that constitutional restraint is necessary to bring the fiscal discipline needed to reverse this trend. Now, therefore,

Be it resolved by the Senate, the House of Representative concurring:

That Congress is requested, pursuant to Article V of the United States Constitution, to call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution.

Be it further resolved that the proposed new amendment read substantially as follows:

"PROPOSED ARTICLE XXVII

The total of all federal appropriations made by the Congress for any fiscal year shall not exceed the total of the estimated federal revenues for that fiscal year, excluding any revenues derived from borrowing, and this prohibition extends to all federal appropriations and all estimated federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this article.

The provisions of this article shall be suspended for one year upon the proclamation by the President of an unlimited national emergency. The suspension may be extended, but not for more than one year at any one time, if two-thirds of the membership of both Houses of Congress so determine by Joint Resolution."

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of Congress from South Carolina.

Mr. CRAIG. Mr. Speaker, I would like to thank my colleague from the State of Montana.

Mr. Speaker, on January 20, 1979, while I was serving in the State Senate of the State of Idaho I had the privilege of carrying in that body the resolution I am about to read.

Mr. Speaker, on February 20, 1979, the State Legislature of Idaho petitioned this body to enact and send to the States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and, that should Congress fail to act in that manner:

Be it further resolved, that, alternatively, the Legislature makes application and requests that the Congress of the United States call a Constitutional Convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all

estimated federal revenues for that fiscal year; and

Mr. Speaker, I included the full contents of this resolution in its entirety into the RECORD, as follows:

HOUSE CONCURRENT RESOLUTION No. 7

Be it Resolved by the Legislature of the State of Idaho:

Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states the Congress shall call a Constitutional Convention for the purpose of proposing amendments. We believe such action vital.

Now, therefore, be it resolved by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring, that the Legislature proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the legislature requests the Congress to prepare and submit to the several states an amendment to the constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Be it further resolved, that, alternatively, the Legislature makes application and requests that the Congress of the United States call a Constitutional Convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Be it further resolved, that this application by this Legislature constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the Legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the

Constitution identical in subject matter to that contained in this resolution then this petition for a Constitutional Convention shall no longer be of any force or effect; and

Be it further resolved, that this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and

Be it further resolved, that this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or require the Congress to call a Constitutional Convention for proposing such an amendment to the Federal Constitution; and

Be it further resolved, that the Clerk of the House of Representatives be and he is hereby directed to forward copies of this resolution to the Secretary of State and presiding officers of both Houses of the Legislatures of each of the other States in the Union, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congress of the United States representing the State of Idaho.

Mr. CRAIG. I thank the Speaker.

Mr. Speaker, and Members of this body, you have just heard resolutions from 32 States of this Nation which have over a period of a decade requested of this body that we produce a constitutional amendment for the purpose of balancing the Federal budget and issue it forth for their debate and their ratification.

Mr. Speaker, pursuant to article V of the U.S. Constitution it says that two-thirds of the several States petitioning the Congress of the United States, that the Congress shall call a convention for the purpose of an amendment.

Two-thirds of our current 50 States represents 34 of our sovereign States.

Mr. Speaker, you have just heard from 32 of those States.

I would now like to recognize two gentlemen who have been active in their States, the State of California and the State of Montana, in a very unique process, Mr. Speaker, that could well bring to this body, by election day of 1984, the 33d and 34th State, therefore requiring this Congress, pursuant to article V of the Constitution, to move in a direction that they have been requested by the States in compliance with the Constitution itself.

□ 1920

I would now like to yield to my colleague, BILL DANNEMEYER, from the State of California, to discuss what is going on in that State and what may well make that State, depending on how election returns come in in November of this year on election day, either the 33d or the 34th State petitioning.

Mr. DANNEMEYER. I thank my colleague from Idaho for yielding me this time.

The history of this movement in the State of California, the largest State in terms of population in the Union, in an interesting one to say the least. There was a resolution on this subject introduced in 1979 in the State Legislature in California. Unfortunately, it was killed in the State Senate by Leo McCarthy, who now serves our State legislature in the capacity of Lieutenant Governor.

Another resolution was introduced in that year 1979 by a State assemblyman from Van Nuys by the name of Tom Bane and it was adopted by the legislature, but it did not call for a constitutional amendment or a convention, just called on the Federal Government to propose a balanced budget amendment to the States. Leaving out that call for the convention, unfortunately, left California in the position that it could not qualify as one of the 34 States.

Then in 1981, Dan Boatwright, who had introduced the first resolution in 1979 introduced another one, Senate Joint Resolution 1, and it met with a similar success as the one in 1979, namely, it was defeated.

As a result of the failure of our State legislature to adopt this resolution calling for a convention on this subject, Senator PETE WILSON and myself organized a campaign last year designated Californians for a Balanced Budget. We have been successful in circulating petitions in our State and we have qualified an initiative for the ballot in November of this year. We filed 605,609 signatures on February 21 of this year. On March 21, the secretary of state indicated that we have the correct number, specifically 445,449 were verified and that is 52,000 over the 393,835 required. This means that this issue has qualified for the ballot in November 1984 and if the polls are any indication of what the people of my State of California will do on this issue, it is clear that the measure will be adopted overwhelmingly and California will be the 33d State in the Union on the subject.

I thank my colleague for yielding me this time.

Mr. CRAIG. I would certainly like to thank my colleague from California and to commend him. He and his colleague in the other body, Senator PETE WILSON, for the tremendous effort that they have been engaged in in the State of California and he has just recited for you the phenomenal effort in collecting over 600,000 signatures to qualify this most important initiative on the ballot for November.

I would have to concur that if the polls are anywhere near accurate and recent polling now shows that nearly 83 percent of the American public believe that a constitutional amendment for the purpose of balancing the Federal budget is an absolute necessity to

bring fiscal stability, not only to this body, but to the country, itself.

Once again I congratulate my colleague for that tremendous effort.

I would now like to yield to my colleague from the State of Montana, who has been involved in a similar effort and just now in the last few days has that effort neared completion and I would like to congratulate my colleague from the State of Montana for what now appears to be a most successful effort and a job well done. And we look forward to hearing from him.

Mr. MARLENEE. Mr. Speaker, let me congratulate my colleagues, from California, BILL DANNEMEYER and my colleague from Idaho, LARRY CRAIG for unfailing personal support of this effort. Their personal sacrifice of time and money has been great. I know they have personally visited the State of Montana with me and helped get our effort there underway. It is progressing very well.

Thirty-two of the thirty-four States have entered here their petitions. There is no question in my mind, none whatsoever, that we will reach the goal of 34 States. It is time for responsibility. It is time now for this Congress to act on a balanced budget amendment and to put it out of this body.

I would like to report to my colleagues that Montana, it is reported to me, has reached the required number of signatures and that this has happened very recently and that this issue will more than likely be on the ballot this fall.

Given that opportunity I can say with a great degree of confidence that the people of Montana will overwhelmingly, support the balanced budget amendment initiative that we are going to have on the ballot.

I would like to say that we have it at this time, but, Mr. Speaker, the people of Montana, I will have to say, are considering requiring the Montana State Legislature to petition this body to enact and send to the United States for ratification an amendment to the Constitution of the United States requiring a balanced Federal budget and that should Congress fail to act:

Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana:

That the Legislature of the State of Montana propose and application is hereby made to the Congress of the United States, pursuant to Article V of the Constitution of the United States, to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to require, with certain exceptions, that the federal budget be balanced.

Be it further resolved, that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the several states have made similar application pursuant to Article V.

Mr. Speaker, I include the full contents of this resolution to be entered in its entirety into the RECORD, as follows:

Be It Enacted By the People of the State of Montana:

Section 1. Article V of the Constitution of the State of Montana is amended to read:

Section 5. Compensation. (1) Each member of the legislature shall receive compensation for his services and allowances provided by law, *except as provided in subsection (2)*. No legislature may fix its own compensation.

(2) *No compensation or allowance shall be paid a member during an extended session pursuant to Section 6 (2) of this article.*

Section 6. Sessions. (1) The legislature shall meet each odd numbered year in regular session of not more than 90 legislative days. Any legislature may increase the limit on the length of any subsequent session. The legislature may be convened in special sessions by the governor at the written request of the majority of the members.

(2) *If the resolution required in Section 15 of this Article is not enacted within 90 legislative days each house of the legislature shall be required to continue sitting at Helena for the exclusive and limited purpose of considering and deliberating on that resolution until such resolution is adopted. No recess or adjournment in excess of 3 calendar days shall be permitted until a resolution is adopted and transmitted as provided in Section 15.*

New Section. Section 15. Application to Article V of the constitution of the United States for an application to Congress for a balanced federal budget amendment. (1) The people of the State of Montana herewith adopt and direct the next regular legislative session to adopt the following resolution and submit the same to the Congress of the United States under the provisions of Article V of the Constitution of the United States:

Whereas, with each passing year this nation becomes more deeply in debt as the expenditures grossly and repeatedly exceed available revenue, so that the public debt now exceeds one trillion four hundred billion dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness and inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenue; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget; and

Whereas, knowledgeable planning and fiscal prudence require that the budget reflect all spending and be in balance on a regular basis; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation and high interest rates which result, is one of the greatest threats facing our nation; and

Whereas, we firmly believe that a constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under Article V of the Constitution of the United States, upon application of the legislatures of two-thirds of the several states, the Congress shall call a convention for the purpose of proposing amend-

ments to the federal Constitution, which action we believe is vital.

Now, therefore, be it resolved by the Senate and House of Representatives of the State of Montana:

That the Legislature of the State of Montana propose and application is hereby made to the Congress of the United States, pursuant to Article V of the Constitution of the United States, to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to require with certain exceptions, that the federal budget be balanced.

Be it further resolved, that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the several states have made similar application pursuant to Article V.

Be it further resolved, that if the Congress of the United States proposes an amendment to the Constitution of the United States identical in subject matter to that contained herein and submit the same to the states for ratification, this application shall no longer be of any force and effect.

Be it further resolved, that this application shall be considered void, rescinded and of no effect if such convention not be limited to such specific and exclusive purposes.

Be it further resolved, that the Secretary of the Senate, Clerk of the House and Secretary of State be directed to transmit copies of this application to the Secretary of the United States Senate and Clerk of the United States House of Representatives of the Congress of the United States, to the members of the United States Senate and House of Representatives from this state and to the presiding officers of each of the legislatures in the several states requesting the legislatures of those states to adopt resolutions calling for a constitutional convention on an issue of balancing the federal budget.

(2). The secretary of state is directed to transmit copies of this constitutional amendment adopted by the people of Montana to the secretary of the United States Senate and the clerk of the United States House of Representatives of the Congress of the United States, to the members of the United States Senate and House of Representatives from this state, and to the presiding officers of each of the legislatures in the several states requesting the legislatures of those states to adopt resolutions calling for a constitutional convention or an issue to balancing the federal budget. The secretary of state shall transmit such copies of this amendment upon the expiration of the first 90 legislative days of deliberation by the 49th legislature of this state.

Section 2. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications. If the mandatory provisions of this act are held to be impermissible, this amendment is to be considered nonbinding by the legislature.

Section 3. Termination Date. This amendment terminates upon a call by Congress for a limited constitutional convention for the sole purpose of proposing an amendment to the Constitution of the United States or for the ratification of an amendment to require, with certain exceptions, that the federal budget be balanced.

Section 4. Effective Date. This amendment is effective on passage and approval by the people of the State of Montana.

Mr. CRAIG. I would like to thank my colleague from Montana not only for his participation this evening, but for the tremendous leadership role he has played in this most successful effort in his State. We are now of the strength of signatures necessary to qualify that resolution that he has just mentioned on the ballot through the initiative drive and that is the uniqueness and the force of this issue, not only in Montana and California, but across the Nation.

Now there is another approach that is being currently taken at this time in some other States. I would like to yield to my colleague, MARK SILJANDER, from the State of Michigan to discuss what is currently going on in that State, which might well make Michigan the 33d or the 34th State to petition this Congress.

Mr. SILJANDER. I thank the gentleman for yielding.

I just want to say in 1 second that I deeply commend him. It is not just rhetorically. I really do. And his hard work in organizing this special order and presenting the awesome effort that is now underway nationwide to present a reality of a balanced budget to this country.

Michigan, we hope to be the 33d or 34th State. Michigan tends to be a State which is a little more less fiscally responsive than many States, as I served three terms in the State legislature there. But we do have a balanced budget amendment in the State of Michigan.

The State Senate miraculously passed through the Senate in the Senate committee on taxation a resolution calling for a balanced budget amendment in Washington, DC.

No one dreamed this could ever happen in a decade in Michigan, but it has. Now the resolution is on the house side. The resolution would never be thought of as being reported out of committee.

□ 1930

Now, we seem to have the votes on the House side in the State legislature in Lansing, MI, to report the bill to the full floor of the State legislature.

So my dear friend who is organizing this special order, I would like to share with him that Michigan has come a long way, an incredibly long way, from what all of the critics and observers could ever dream could have happened.

I would also like to thank State Senator Edward Fredericks of Holland, MI, for his efforts and his sponsorship of the Senate bill which has gone so far in the State to help promote the national effort for a balanced budget amendment.

I thank the gentleman for yielding.

Mr. CRAIG. I thank the gentleman from Michigan for the role he has played. I had the privilege of being in Lansing to testify before that Senate committee and was extremely pleased not only at the reception and the eagerness on the part of the Senate in Michigan to move that legislation, the resolution, as they have, and I think what my colleague has just reported about the possibility of that moving out now from the House committee into the full body of the House for a vote is a very real possibility in the near future.

Mr. Speaker, what we have just presented are not only 32 States that have currently petitioned Congress, and I believe, as my colleagues do, that those petitions are active and deserve recognition, and that is why we put them into the CONGRESSIONAL RECORD this evening.

You have also heard from our colleague from Michigan where an active legislative drive is currently underway, our colleague from California, who does stand assured that it will pass that State in the initiative effort this fall, in November, at the election, my colleague from Montana, who has been involved in a similar effort, and he too believes very strongly with every reason that that same type of initiative drive and that issue will pass on the ballot in November in the State of Montana.

Now, with all of this happening, Mr. Speaker, we are so very, very close to article V of the Constitution, which says:

Upon the application of the legislatures of two-thirds of the several States, the Congress shall call a convention proposing amendments which shall be valid to all intents and purposes and a part of this Constitution when ratified by the legislatures of three-fourths of the several States or by convention in three-fourths thereof.

PARLIAMENTARY INQUIRY

Mr. CRAIG. Mr. Speaker, as a matter of parliamentary inquiry, I would like to ask of the Speaker what this body will do at the time the 34th State petitions this Congress for the purpose of a constitutional amendment and/or a constitutional convention.

The SPEAKER pro tempore. In response to the gentleman's inquiry, the Chair will state that there is no rule of the House which governs the situation which the gentleman describes.

It would be a matter for the House and for the other body to determine and establish a procedure appropriate to these circumstances.

Mr. CRAIG. Would the Speaker further respond in saying at this time there is no procedure, there is no rule, by which this body would conduct

itself with the application of the 34th State?

The SPEAKER pro tempore. There is no House rule.

Mr. CRAIG. I would like to thank the Speaker for that parliamentary response.

To my colleagues here in the House, I think what you have seen demonstrated this evening is not only are we so very close as a Congress to the point of having to deal with what I believe one of the most critical constitutional questions of the day, but that the State legislatures, in a responsible way, adhering to article V of the Constitution of this country may well by November of this year force upon this body a constitutional crisis unless this body responds in the responsible fashion under they are being requested by the 34 States, at which time will have made that application, to either do one of two things: to produce a constitutional amendment to send forth to the States for their ratification, or to develop a procedure and to allow to be convened a constitutional convention for the specific purpose of drafting an amendment, a constitutional amendment, requiring a balanced budget and limiting taxation to then be sent forth to our States of this Union for the purpose of their ratification.

Recent polling data now shows that over 83 percent of the American public are asking that this process go forth. I, and others, have stood in this well day after day, hour after hour, requesting that the possibility of a constitutional crisis can and should be avoided, that the chairman of the House Judiciary Committee could well convene that committee, begin hearings and issue forth an amendment, an amendment that already resides in that committee, for the purpose of this body's consideration. And if he were so inclined to do that, the possibility of a constitutional crisis could be averted.

Also, there is currently at the desk discharge petition No. 10. We are asking our colleagues here in the House to go forth and sign that, to move forward with 218 signatures to produce that amendment to the floor for the purpose of this body taking action on it.

Those are the options that are currently available, and the American public is speaking more loudly and clearly than they ever have that they want at least one of those options activated so they can begin to address their State legislatures for the purpose of ratifying what I believe to be the most important constitutional question to be addressed in many decades.

I would like to recognize my colleague from the State of Florida.

Mr. MACK. I thank the gentleman for yielding.

I just wanted to raise a point or two concerning the public discharge petition. Or did you mention that?

Mr. CRAIG. No.

Mr. MACK. At this point how many individuals have signed that, the public discharge? Do you have that available?

Mr. CRAIG. I believe 62 have signed the public discharge petition.

Mr. MACK. And is there an effort at this point being made to try to get others to sign that? And how do they go about doing it, I guess is the question.

Mr. CRAIG. The question has been asked as to a public discharge petition. Of course, we know that the discharge petition procedure here in the House is one of confidentiality. Members can sign and support the discharge petition in the purpose of addressing a specific piece of legislation.

In the effort with a constitutional amendment, because we believe it to be so critical, we are asking those who sign the discharge petition to sign a public honor roll or a public discharge petition to announce to their congressional districts and their constituencies that they stand strong and firmly in the support of the constitutional amendment.

Mr. MACK. I thank the gentleman.

Mr. CRAIG. I would like to thank my colleague from Florida, I would like to thank my colleague from Montana and my colleague from California, and all of those who joined with me in what I believe to be a most important special order, to once again tell this body the critical importance of moving ahead with speed on what I have said earlier and I will say again, as I so firmly believe, to be one of the most important issues of this time, and that is to produce a constitutional amendment to our Constitution requiring a federally balanced budget in concert with limiting taxation.

I yield back the balance of my time.

THE TAX SYSTEM AND FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SILJANDER] is recognized for 60 minutes.

Mr. SILJANDER. Mr. Speaker, as we are proceeding with a special order dealing with fiscal responsibility, I think it all appropriate in my special order tonight that we talk about the tax system in America and the fiscal responsibility that even extends beyond the balanced budget, which I so strongly endorse and think is crucial to the fiscal hopes and rationality of the future of our country.

Congress, in my opinion, is addicted to two things. We as a body are addicted to confusion and addicted to spending. Our answer has always been, each and every time there seems to be a

fiscal problem, specifically with deficit spending, the answer has always been: Raise more taxes, squeeze the American taxpayer further and further. That has always been the response.

I liken us to an addiction to spending simply because each and every time we feel we need to get higher on spending, our answer is: Shoot another fix in our vein of more taxes.

So, obviously and clearly, in order to bring an addict off of whatever he or she is addicted to, giving more or the same amount of drugs is not the answer. One must be weaned off of that. And that is why the strong endorsement from this Member of a balanced budget amendment. And on top of that, a strong endorsement of tax limitation.

In 1982, we were facing a mammoth, over \$150 billion deficit in 1983. So Congress scurried around to identify a solution for it, and we came up with the typical solution—a \$100 billion tax increase. That was the solution. Then in 1983, we scurried around after experiencing that huge deficit, even though we successfully passed and the President signed into law, the greatest tax increase in history, single tax increase in history, that in 1983, we found ourselves in a similar predicament. We rose gas taxes and also raised the taxes on Social Security. Predicting in 1984, that even with these tax increases, still it will be another devastating year for the deficit.

□ 1940

In 1984, what did we do? In 1984 we come up with the Tax Reform Act of 1984. I hope the cameras, so all the Members can see this clearly, those who are watching in their offices can see this clearly. This is a book that passed Congress, 1,023 pages of tax increases. However, in addition to all these pages of tax increases, there are 810 pages of explanations of the other 1,023 pages.

Incredible as it seems, the Congress requires 810 pages to explain 1,023.

I yield to the gentleman from California.

Mr. DANNEMEYER. This Member from California had noticed a special order for this evening, and some Members in the House may have been present in anticipation of that. However, I have another engagement that takes me away from the body this evening.

I thank my colleague for yielding.

Mr. SILJANDER. It is quite a pleasure to yield to the gentleman from California, who, incidentally, is one of the leaders in this Congress for fiscal and monetary responsibility.

Mr. Speaker, back to plank in hand, literally, this document reflects again the same old addiction. This fix, as I said, is 1,023 pages of new taxes, loophole pluggings, and all types of other

adjectives to describe all these pages. The point is clear: I said Congress was addicted to two things, confusing and taxation and spending. While this is indicative of both, I stood in the well during the debate on the floor; the full House was in session, and I shook this book and I said if anyone here has read the 1,023 pages, I would vote for it. No one said a word.

Then I flexed even further and said if anyone has read 810 pages of the explanations of the 1,023, I would still vote for it. Not one offer on the floor came up to say I read the entire explanation of the entire document. The point is simple: The more Congress perpetuates confusion with adding thousands and thousands of pages to IRS regulations and the Tax Code, the more scapegoats we find.

We can always pass the buck to the fact that well, you know, there are so many loopholes, and it is such a confusing system that you cannot really blame Congress because the IRS or the appropriate bureaucracy needs to promulgate rules on top of all this 1,023 pages once the document is passed.

Just for the information of the House, this document passed the House. A similar document passed the Senate of a thousand or so pages, and at this very hour there could be conferees meeting talking about the differences in the House and Senate version. In any event, we can rest assured, the American people can rest assured that once again, the same old response will be, shoot more tax increases up the veins of the U.S. Congress at the cost and expense of the taxpayers.

We have heard 40 years of this type of demagoguery. My submission to the American people is it is time that that stop. It is time that the liberal welfare state that has perpetuated itself begin to change to a new dynamic. I mentioned rules and regulations. The IRS Revenue Code, just for individual income taxes, mounts over 10,000 pages of rules and regulations. This is also indicative of the additions I talked to you about earlier. My solution is a simple one.

My solution to all the tax increases, adding thousands of pages to the already overburdensome, confusing, elitist IRS Code system, is not a complicated solution. It is a simple solution to a complicated mess. That solution is a simple, fair, flat rate income tax. Heaven forbid that this Congress could even come up with something simple and something fair that does not add to the overwhelming confusion that we already experience in this body.

If we pass a simple, fair, flat rate income tax bill with limited deductions, Congress would no longer have excuses and no longer could point to confusion as to the scapegoat of why we have high deficits, and why people

are crying about the \$60 billion the American citizens spend each to have someone else fill out their individual income tax returns.

My solution is called the 10 percent solution. I am advocating a flat rate income tax of 10 percent for all taxpayers in America; 20 years ago, Milton Friedman, a renowned economist, suggested that a flat rate income tax was the best solution to the complicated situation even 20 years ago, which has complicated itself in the meantime. In 1976, Secretary of Treasury Bill Simon began a blueprint for a simple, fair tax rate.

I have introduced H.R. 5432. It is a simple, flat rate countdown to fair tax resolution. Anyone could remember the number: 5432; it is a countdown. I think it is imperative that all America take note of the present dilemma that we are in our tax system. I would like to read a quote by Bill Simon, former Secretary of Treasury regarding a flat rate income tax system. He said, and I am quoting former Treasury Secretary Bill Simon:

A flat rate income tax will offer the taxpayers relief from the arbitrary, unfair, inefficient, graduated income tax. A low rate, such as 10 percent, would put needed pressure on Congress to curb its continued increase in spending and assist the Federal government in achieving a balanced budget.

Treasury Secretary Bill Simon was correct. He observed the need for a new system, a new tax system. Fortune magazine, dated June 11, 1984, recently has done a comparison of three proposed, or so-called flat rate tax bills. One, which I am a cosponsor of, is Congressman JACK KEMP's flat rate tax bill, which is similar to mine, we have our differences, but we both believe they are a step in the right direction. They have analyzed his as well as mine. The third one Fortune magazine evaluated was the Bradley-Gephardt which is in my opinion the Democrat liberal answer, a wolf in sheep's clothing, if you will, to a flat rate income tax.

A flat rate means one rate; Bradley-Gephardt has 3 rates up to 34 percent. What does Fortune magazine say about 5432? Quoting:

A Siljander-style tax wins prizes for simplicity, and by eliminating artificial distinctions between types of income and investments, it discourages shelters and other uneconomic activities. It catches additional high-income taxpayers.

The point of Fortune magazine regarding my bill is very clear, it broadens the base finally, in a tax system which has been tilted toward the elite. The elite who can find the experienced tax lawyers and who can afford these tax lawyers to wade their way through the 10,000 pages of rules and IRS regulations to avoid paying any taxes at all.

□ 1950

Most of us are middle-income Americans. Most of us have to pay an H&R Block agent or a personal accountant, or we toil hour by hour filling out our own income tax forms which I think any of us, whether we have 1, 2, 3, or 4 degrees, find very, very confusing and complicated.

I am offering a simple solution. If you made \$1 million a year or \$15,000 a year, it requires the same 5 or 10 minutes to fill out your form, the same 5 or 10 minutes no matter what the income.

Finally, all income taxpayers, at all levels, will pay an equal amount of taxes to Uncle Sam. I am not advocating an increase in taxes, my colleagues; I am advocating an actual net reduction in taxes.

Here is the 10 percent. What does it do? What kind of deductions will it take, and how will it affect me? My friends in the Congress always ask, "Well, I know what I make in income and, SILJANDER, I would like to know how your H.R. 5432 affects me."

Whatever you make in gross taxes, tips, and wages, deduct \$2,000 per person in your family. An average family of 5 would have a \$10,000 exemption from all taxes. You also can deduct just four other things: Property taxes, interest paid—those two elements for a homeowner—charity and IRA-Keogh future savings accounts for retirement. That is it. Exemption for the poor, exemption for the charitable organizations, exemptions for assisting the middle-income American who is proud to own a home, and certainly exemptions for retirement accounts for our future. That is it, from beginning to end. There is nothing more, nothing less, with H.R. 5432.

It brings in simplicity. Obviously, as with any new, dynamic change, there will be questions as to fairness, as to revenue implications, and tonight what I would like to do is just share a response to those two central questions. The first one I mentioned dealt with fairness to the poor. How many times have we heard a flat rate income tax will not be fair to the poor.

Assuming there are no deductions and it were a pure, unadulterated flat rate indeed, it likely would be less fair than the present system to the poor. However, what we have incorporated in our flat tax H.R. 5432, the 10-percent flat tax, is a \$2,000 exemption per person in the family indexed to inflation. So as I indicated before, a family of five, a husband, wife, and three children, which is not atypical for the United States of America, could deduct \$10,000 off their taxes, untaxed, no tax for the first \$10,000.

This system, ladies and gentlemen, is better than the present system for the poor. It is not worse, it is not equal to;

this is fairer than the present complicated, confusing system for the poor.

I would like to read for the record, in further emphasizing the aspect of the poor, a letter sent by someone who is in the Legal Services Corporation, which essentially is a Government-sponsored legal service to assist those who are underprivileged or poor. The Conservative Caucus is doing a national mailing. By November 1984, this election year, there will have been 20 million letters sent out all over the country by direct mail by this one organization supporting H.R. 5432, or the simple 10-percent flat tax concept.

This letter comes from a response by a woman who is a member of the Legal Services Corporation and who has compassion for the poor, who works to support the poor, and works to help those who have little. This is a letter to the Conservative Caucus, to the chairman, Mr. Howard Phillips, Falls Church, VA. I will not read her name, but I want to read this short letter because it makes so clear the argument that, "Oh, any flat rate tax against the poor makes it clear that argument is not valid for H.R. 5432."

"Dear Mr. Phillips," she said, "I never thought I would agree with you on anything as I have been a Legal Services attorney since 1969, but I agree with you on the flat rate tax, and to show you I mean business, I am [gasp!] sending you a check made out to the Conservative Caucus. A 10-percent flat tax would be one of the best things that ever happened to poor people. Very truly yours," signed by the Legal Services Corporation lawyer, a woman.

I hope this clears up any misunderstandings by any of my colleagues about whether or not the Siljander flat rate 10-percent tax, H.R. 5432, in any way would affect the poor in this country.

The overriding second question that is asked at any given meeting I have ever presented a flat rate tax rate tax concept to, "Now, wait a minute. How in the world, if you exempt deductions is one thing, but how could a 10-percent flat rate income tax conceivably bring in enough revenues to keep a fiscal, logical order in this country and for this Government? Could it bring in essentially the same amount of revenue?"

Most people would think not. However, it is a time in this Nation for a dramatic change in thought and in policy. I talked about Government being addicted to spending. I am not attempting to reduce Government spending by the 10-percent flat rate tax bill necessarily; I am attempting to change the thought and policy of this Congress in terms of tax increases, loophole expansions, and never-ending additions to the confusion and complications of the present system.

The Republican Study Committee says that \$35,000 incomes and under represent 90.2 percent of all the gross taxable income; 75 percent of all the gross taxable income comes from those under \$20,000. So obviously, based on these statistics, who is bearing the brunt of the present system? It is the middle-income taxpayer who pays the vast majority of his or her hard-earned money into Uncle Sam each and every year.

I would wager that anyone who made under \$40,000, if they will look on their receipt from their last check, paycheck, those who are working, would take note that there is likely deducted off the FICA aspect of the check at least 20 percent, maybe 25, and some up to 35 and 40 percent is being deducted off their check each and every week, or month, or whenever they are paid, because those under \$40,000, as I said, are the ones who receive the brunt of the present tax system.

So what would this bill do? A 10-percent flat rate income tax would be at least a 50-percent tax cut for those in the middle-income tax brackets. So as I said, it does not hurt the poor; it helps them more than the present system. How does it affect middle-income Americans? It benefits substantially middle-income Americans. What this bill amounts to, then, is a tax cut. It is not a tax increase or a tax shift, pulling \$1 out of one pocket and putting \$1 into the next, as we often do in this Congress; but rather, H.R. 5432 is a tax cut for the middle-income American.

I am going to tie this in to how it results in revenue losses in one or two moments.

Point No. 2: It is a jobs bill. The 10-percent flat rate income tax will stimulate the economy. This is a specific endeavor to create more jobs, because Chamber of Commerce studies have shown very clearly that as net take-home pay increases for the average blue-collar and middle-income white-collar worker, his or her productivity also increases.

□ 2000

If productivity increases, the employer is encouraged to produce more product and if you believe in supply side economics as stimulatory to the economy, as a result there is more GNP, as a result there are more jobs, and not only do we receive more jobs, but naturally the Government benefits as well.

Laffer, who has done much work on the 1981 Reagan-Kemp-Roth tax cut plan has also assessed a 10-percent flat rate income tax. I would like to read something from A.B. Laffer Associates, who have been very involved in assessing through a dynamic model analysis of economic response to various tax cuts what the revenue implica-

tions could be in House Resolution 5432. A.B. Laffer Associates have calculated the likely economic effects of a flat rate base tax on a Cobb-Douglas economic model. All these words may sound fancy, but it comes down to this point. Implementation of a flat tax, according to Laffer, would augment growth for several reasons. First, the dramatic reduction in marginal tax rates would increase incentives to work and invest.

Two, the changes in marginal tax rates are important because they change the incentives to demand and supply work effort and capital.

For example, firms that base their decision to employ workers in part on a total cost to the firm, holding all else equal, the greater the cost to the firm of employing each additional worker, the fewer workers the firm will employ.

Conversely, the lower the marginal cost per worker, the more workers the firm hires. For the firm, the decision to employ is based on gross wages paid, a constant which encompasses all costs borne by the firm.

So Laffer says that a 10-percent flat income tax would in fact be economically stimulative to our economy.

Another point on how it would affect revenue. This bill, H.R. 5432, is a deficit reduction package, quite frankly. We have seen that with each 1-percent reduction in unemployment or 1-percent increase in employment, the Government saves \$20 billion in outlays and an additional \$10 billion in revenues. This means that the Government nets an extra \$30 billion when Americans go back to work. As Laffer, as former Secretary of the Treasury Bill Simon has indicated very clearly, and the Heritage Foundation recent studies indicates, this bill would be economically stimulative enough to increase GNP by about 8 percent at the lowest depth, or at the very least, which would result in substantial increases in employment which results in substantial revenues to the Government, again the \$30 billion figure saved revenue, either coming out or more coming in for each 1 percent put back to work.

Regarding the bureaucracy, not too many moments ago I mentioned how confusing and chaotic and almost to the point of being ridiculous some of the bills that we pass here in Congress are, as this Tax Reform Act of 1984, the \$50 billion tax increase with 1,023 pages. The bureaucracy has to implement all those 1,023 pages of tax codes and changes and alterations and additions.

The bureaucracy has not fully implemented a tax increase fully since 1954, but they are trying and we are hiring more and more bureaucrats all the time to attempt to address all this.

The IRS has presently employed about 82,000 employees, so what would a simple flat rate tax bill do? It would eliminate much of the unnecessary bureaucratic rules, regulations, confusions, and complications, and as a result could save the Government billions of dollars a year, with less bureaucracy, less involvement, less regulations, less controls, and certainly, best of all, less harassment to the American people.

Another point, Americans who file individual income tax returns, these are not corporations now, spend \$60 billion a year paying someone else to fill out their income tax returns. Incredible as it seems, \$60 billion they are throwing down the drain to let someone else do something that under House Resolution 5432 could be done in 10 or 15 minutes by ourselves, no matter at what income level.

What if that \$60 billion were redirected at the automotive industry? I can tell you, Michigan would certainly be very joyful, for the State that I represent.

What if it were centered on housing? Think of a more productive element in our economy for that \$60 billion and what it could produce for our Nation.

Another point dealing with generated revenues from a flat rate income tax, this is a new element, something new, something different from the other flat rate income tax provisions. It is called amnesty. It is called taxing in the underground economy, which the IRS themselves estimate at almost \$100 billion lost revenue to us, the U.S. Government, a year because of those legal underground economies. I am not referring to prostitution or drugs, quite obviously, but the legal underground economy, those who paint someone's house and not report it on their income tax.

Much of that type of underground economy is not reported, because who wants to face the complications, the confusions of the tax system, which frighten many people away from even filing. Who wants to face 20-, 30-, 40-percent income tax brackets?

Massachusetts decided to try an amnesty program, the State of Massachusetts. They offered an amnesty program. Their economists estimated a windfall of almost \$7 million in 3 months; 3 months into the system and Massachusetts has already netted almost 10 times that amount, nearly \$70 million.

Incredible as it seems, Massachusetts never changed their tax system. They never changed the rate. They just offered those that were hiding and not paying their fair share, without fear of penalty, without fear of jail sentence, to come out, come out and repent, in essence, pay up what you owe and be a contributing citizen from this point on.

We need to tap into that \$100 billion lost revenue a year nationally to the federal system.

Think of what a 10-percent flat rate income tax, simplifying the system, what kind of incentive that would be to bring so many of those in the underground economy back out again.

We are estimating that we could at a low ebb of \$100 billion total lost revenues, based on Massachusetts' experience, we feel a \$34 billion level of new revenue is not unjustified.

Now, to even give Congress a better opportunity, to give Congress a better opportunity to implement our bill. If this bill were signed into law tonight it would not take effect for 3 years. It gives Congress time to readjust to all these bureaucratic rules and regulations, to adjust new thinking and new policies, to be weaned off the addiction of expansion, of a confusion through more rules and more regulations and more loopholes. It gives Congress a 3-year weaning down period; but the amnesty provisions would be implemented immediately and that \$34 billion plus revenues, new revenues that we collect by bringing those out from the underground economy, for those 3 years before the bill takes effect will be placed in a separate trust fund, so when the 10-percent flat tax rate takes effect, that money could be used to offset any lost revenues.

It is simple, basic, elementary economics. It is time Congress changed and I am trying to do all I can to make this transition easy, smooth, and convenient.

I would like to quote Will Rogers, who said, "The income tax has made more liars out of American people than golf has."

He said, "Even when you make a tax form out on the level, you do not know when you are through if you are a crook or a martyr."

These quotes by Will Rogers back many decades ago are just more reason, even with American humor, why the tax system needs to be changed.

Michael Evans has done a research. He is an economist. He has been around for many, many years. He has done much research regarding the implications of changing the tax system. In the Gentleman's Quarterly magazine, Michael Evans said:

The amount collected by the Federal Government represents less than 40 percent of the total amount of taxes that would be collected if there were no deductions, no loopholes, or no tax cheating.

□ 2010

Incredible as that seems, we have broken this down to dollar amounts at 1984 levels. Deductions, exemptions, and loopholes that are identifiable lose \$260 billion a year and we only collect \$292 billion a year total in all individual income taxes.

So nearly 85 percent of the total amount presently collected in individual income taxes by the Government, almost an equal amount is lost by deductions, exemptions, loopholes that we can identify. Uncollected taxes, another \$200 billion a year. Untaxed taxes, \$35 billion a year.

Now, to bring all this over here one point here, points over there, so many points to the average Member, I can understand that this may seem somewhat involved but to combine it all to make it very simple: the stimulative effect on the economy, add that to the reduced Federal bureaucracy, the \$60 billion that we pay others to fill out our taxes per year, have that reinvested somewhere else; the 3-year amnesty provision before the bill takes effect, the other revenue implications as Michael Evans outlined moments ago, gives us about the same amount of revenues as we are collecting today and maybe more.

According to the Republican Study Committee, according to the Heritage Foundation and according to former Treasury Secretary Bill Simon, all three very credible economists, agencies, or individuals, with credible economists, they indicate that a 10-percent flat rate tax bill such as the Siljander H.R. 5432 will bring in as many revenues and maybe more.

Some of us are concerned now that my bill introduced in the 98th Congress does not have a provision as to what to do with excess revenues if that were to occur. There has been so much talk that Siljander's bill of 10-percent tax could never produce equivalent revenues. No one ever gave a thought that actually studies are made that it could possibly produce more revenues than the present system.

So the bill, if and when it is brought up in the Committee on Ways and Means I will certainly ask for an amendment to make sure that the excess revenues would go directly for paying off the national debt if in fact there were excess revenues.

Let me read a quick quote from the Republican Study Committee which recently assessed our bill:

The Siljander 10-percent flat tax proposal, the Joint Committee on Taxation did not review the proposal because I was not a member of the committee but they said that the economic impact is very important in any event. They said the study shows that \$82 billion shortfall in personal tax revenues, at least at the level of 1983, are \$228 billion before other economic consequences are included such as more compliance, general amnesty provisions, higher growth resulting in lower Federal outlays, once all these economic benefits are included the amount of revenues raised would

match the level of personal income tax revenues collected in 1983.

So that means the bottom line is that the Republican Study Committee feels that House Resolution 5432 would at least produce equivalent amount of revenues.

Now, some people are nervous about that. Some people feel that we need to reduce the amount of revenues and the flat rate income tax ought to be the vehicle to reduce revenues. Much of this, granted, is based on economic modeling, assessments, how much the underground economy would come up with assuming we had an amnesty provision; but, ladies and gentlemen, the point that is constantly brought up is what would the impact in revenues to this Government or this Congress be, is very clear, it is very clear. At worst, at the lowest ebb of every economic analysis, it would bring in at least the equivalent, to a very minor loss, in revenues. But, of course, what do they say, the doomsayers and the critics?

"Do you know what is going to happen, Siljander?" My colleagues tell me that as soon as we pass a 10-percent flat tax rate the Congress will start pushing up that 10-percent rate as soon as they need another fix in spending. We will raise it up to 11, and 12, and to 13.

One of the reasons why I have given Congress 3 years, once this bill is signed into law, is because I believe feverently that in the 3-year period, besides giving Congress time to adjust, there will be a balanced budget tax limitation limit passed by the people of this country.

Just before me, for 1 hour there was an excellent presentation by several dozen Members of this body talking about what is happening in each of their States dealing with forcing the Congress into supporting and promoting a balanced budget amendment. If 34 States vote for the balanced budget amendment and tax limitation, the Congress is forced to act; 32 States have now called for it; 2 more to go. We have at least a dozen more States that are very, very optimistic that they will pass. Remember, all we need is two more of those dozen States to pass a resolution calling for a balanced budget.

So in my opinion by the time the 10-percent flat tax is brought out of committee, voted on the floor of the House, and the Senate, and the President signs it into law and the 3 years that it takes before it takes effect, this Congress, this Government, thank God, will be under a balanced budget tax limitation amendment.

The reason I chose the 10-percent figure rather than the 11 or 12 is that 4,000-year-old principle called the tithe. I want to get religious about this.

There is historical precedent. The Hebrew precedent for a tithe, which

means a tenth. We should give a tenth. Some people believe we should give a tenth to God. That's fine, and I do. But why should I give more than a tenth to Caesar or the Government? But it is very difficult to break a 4,000-year tradition and for this Congress to raise a very simple figure from 10 to 11, but if it were 11 it would be very easy to raise to 12; any other figure but 10 would cause problems without the balanced budget tax limitation amendment. Beside the fact that it is a 4,000-year-old principle.

I would like to quote Bill Simon one more time before completing. He says the adoption of a flat rate income tax would result in the elimination of most of the thousands of IRS income tax regulations and the reduction of IRS budget and staff.

Raising the percentage of low flat rate income tax would be difficult politically, says former Treasury Secretary Bill Simon, as it would affect all taxpayers and would be met with nationwide opposition.

Do you understand the point he is making? Finally we have a tax system where everyone pays; not an exorbitant amount up to 50 percent as the present system, but finally we have a system where whether one makes \$1 million or \$10,000, excluding the exemption for the poor, the property owner, charity, savings accounts for the future, excluding those five items, that \$10,000 or \$15,000 wage earner will only pay a 10-percent tithe of his income as well. Everyone pays equally.

Now, if this rate ever changed or could change, even with two-thirds vote as the present constitutional amendment and tax limitation would require, even with that it would be very difficult because now every tax bracket would complain. The wealthy would complain, the middle-income American would complain. The middle-income American always gets hit in any tax change.

Besides that 3-year period, the Congress could be courageous for once. The Congress could strip off by cowardice, as I call it, the inability, it seems, the tongue tying on the floor, to stand up in these wells and tell the American people and our fellow colleagues what really needs to be done to address the fiscal problems.

□ 2020

Sure I am for a balanced budget and tax limitation, but I do not know if my colleagues realize and the American people know that if we were to freeze spending, including military spending, across the board, freeze spending for 3 years, based on the 1984 level, 3 years later we would have a balanced budget. There is the 3-year period.

That is not so complicated or confusing. Why does Congress need to perpetuate confusion by suggesting all so-

lutions to complicated problems need to be equally as complicated?

A flat tax for the system as confusing is simple. Ten percent flat rate tax. The balanced budget dilemma, I am for the balanced budget. We could do it on our own by freezing spending. We do not need to worry about cutting here and raising there. A simple 3-year budget freeze and to put the icing on the cake, we could tell senior citizens and the entitlement program recipients that if inflation would increase above 3 percent we would be more than happy to pay a cost of living anything above that 3 percent to them and still we could balance the budget for the 3-year budget freeze.

Incredible as it seems, it is not that difficult.

And what about Peter Grace who spent countless hours, \$24 million I think it was of private moneys, to study ways the Government could become more efficient and better managed. He came out with dozens, hundreds of suggestions, not how to cut Government out, but how to make us better managed. How to make Government run like a normal business, a normal family ought to run.

Peter Grace made some suggestions with a balanced budget amendment, tax limitation, with the option of freezing spending for 1, 2, or 3 years and with implementing some of Peter Grace's suggestions, any one or combination of two or all three would put this country in a better fiscal basis.

But the American people are going to be the ones to really determine whether or not this 10-percent flat rate income tax will ever pass.

One of my colleagues asked me the other day, he said, "Mark, do you really think that this body would ever pass a flat rate income tax? Especially 10 percent?"

I do not think they would. That same colleague told me after the Congress passed withholding on dividends and interest. I voted against that. The same colleague told me and I said, "This will be repealed in the year." He just laughed and said, "Oh, no. This won't be repealed in the year. Congress never repeals anything within a year especially that we have passed. This is a new tax increase that is going to stick."

Millions of letters, literally, millions of letters later, entering the offices of House and Senate Members, influencing a change of thought in policy. It required those millions of letters, but it worked. He was wrong then and I hope he is wrong again that when the American people begin to demand a change of thought and policy it happens. Contrary to all the criticism I have made of this body over the last 45 minutes, we are still a democracy. We still answer to the American

people. We still answer to our electorate back in our district.

We are elected to come to Congress to change policy, to change the direction of the country and manage this Government as best we can. And the American people say we are mismanaging their funds. The American people have a right to speak up. They have a right to criticize. And we had better listen.

We did on the withholdings on dividends and interest and lo and behold, Congress repealed it, less than a year after it passed.

So can a 10-percent flat rate income tax pass? Maybe not in the 98th Congress, as we have maybe 1 more week before the summer break and very little time until the new Congress of the 99th Congress, in January 1985, but I am optimistic in the next several years, with the support of millions of Americans saying it is time we simplified the system, make it fair, and support 5432 or the concept thereof, a flat tax, a 10-percent flat tax, with the amnesty provisions, and modified reductions for the poor, for the home owner and for the future retirement of those in this country, I truly believe that it will be a reality.

I also believe that the American people are going to stand up and take note and demand that this Congress in this instance as we did with withholding on dividends and interest change policy.

Yes, we are addicted to spending and to confusion. More and more, my colleagues, I believe the American people sense that we are addicted to spending and confusion. And the American people are going to demand that we change and any addict will never change on his or her own. Have you ever seen an addict decide, "Well, I am just going to stop shooting it up my veins. I won't do it any more." Very rarely Congress will ever change on its own. It will take a revolution, I do not mean with guns, I do not mean with picketing, it will take a letter-writing revolution, my colleagues, to change the course of this body. It will change those that go to the polls. It will change those who attend meetings and write letters. It will take a change of American thought to really change the thought here in Congress. And the American people will be the ones really to decide whether they have had it with the system, whether they have had it with overtaxation and overspending.

I have asked the question of my constituents, "Do you feel you are overtaxed?" I have never had anyone say that they felt they were undertaxed.

I have said, "Do you feel Congress spends too much money?"

The answer is always "yes" to that question.

And if the American people really believe that and the polls indicate so,

the polls indicate 83 percent of Democrats, Republicans, ticket splitters, support a balanced budget amendment. What is holding this body up?

The States are forcing Congress to act. Again the Congress will not act on its own until it looks like we have no alternative but to do so. When the 33d State passes that resolution and the 34th State passes it, you are going to see this Congress, my colleagues, like a beehive. Everyone rushing to be the first one to say that, "Oh, we support the balanced budget amendment." Everyone is going to be running to the well to speak on how we need balanced budgets and fiscal responsibility because they know it is inevitable. All the opportunists will be here. They will be lined up.

We, many of us who have been in the well, hour and hour and hour, speaking on the need for fiscal restraint, change of system and a new great awakening in America, I am encouraged, I am not discouraged. I am encouraged because I believe that generally out in the public the great awakening will not only include the support of 83 percent for a balanced budget amendment, but also will be a resurgence of support for a simple and fair and reasonable 10 percent flat rate income tax.

I truly believe that the American people will change, change Congress, because they are changing their attitudes toward Congress. People are becoming more involved. We should take note of that, everyone of us here.

Before I end my special order on taxes, I would like to shift gears to explain something, a phenomenon, a new phenomenon here in Congress. Many might be wondering where is everybody. Here is this Congressman down here talking about flat rate income taxes and fiscal restraints and there are hardly any Members in the Chamber.

□ 2030

Every once in a while the C-SPAN cameras, which have a wide angle lens, show me speaking in an empty Chamber. So who is he speaking to anyway? Well, many Members of Congress at this hour are in their offices. They are working. We are not in regular voting session. It is 8:30 at night, and most Members are doing other things elsewhere, which they ought to do. They are not here right now because we are not, as I said, in regular voting session. The reason I am here talking about a 10-percent flat rate income tax, the reason why about a dozen others preceding me were referring to a balanced budget amendment is because we as Republicans do not have the opportunity to talk about these issues any other time. The Democrat leadership controls all the committees, all the subcommittees, all the select committees, and they control all the actions

from the floor. TIP O'NEILL, the Speaker of the House, determines what bills will or will not come up, essentially.

So if I am not allowed, because of the Democrat liberal leadership, to bring up my flat-rate-tax bill in committee or subcommittee or select committee or on the floor, what other opportunity do I have to share with Congress and many Members who are watching C-SPAN? And almost 17 million households are hooked up to C-SPAN. Now, I am not talking to 17 million people who are hooked up to C-SPAN, because the rules do not allow me to talk to them. I am talking to my fellow colleagues who are watching on their C-SPAN. I am allowed to talk to them, but not to the other almost 17 million people who could be watching at this very hour. So who am I talking to? Who am I referring to, since this august body is now empty? I am talking to my colleagues who are listening and indirectly to those 17 million households who potentially could receive this broadcast. This is my forum. This is the forum for the other 12 Congressmen who were on this floor demanding a balanced budget amendment. And every night for the last several months one of us has been on this floor talking about the American agenda. We are talking about the American agenda, an agenda that has not been addressed in the committee structure, the American agenda has not really been addressed on the floor, and we are simply asking for honest debates on these crucial issues.

If people oppose the 10-percent flat rate tax, then let them come to the floor, debate the issue honestly, and fairly, and vote against it. But we have never been afforded the opportunity for an honest and fair debate on the issue of the 10-percent flat tax. We have not been given an opportunity to debate in the last several months a constitutional amendment to balance the budget. We have not been given the opportunity to debate voluntary school prayer. We have not been given the opportunity to debate new monetary policies that regulate the Federal Reserve, the money supply, the discount rates to banks.

If you have ever owned a home, or owned a car, or bought anything on credit, or if you are a small business person, interest rates are important to you, but have we ever had a forum for debate? No, we have not. Not here on this floor, not in the subcommittee, not in the full committee or in the select committee.

What about the crime package? How many people have been screaming and yelling and complaining—and justifiably so—about crime in America? How some pervert will rape and murder a young child and molest her, they are

found innocent in court because obvious utensils used in the crime, like a knife, blood samples, hair samples, would be thrown out of court as evidence because of some minor, obscure technicality in the search warrant or in the procedure by which the police acquired the evidence, so they are left back out on the street again. How many times have convicted criminals been sent back to the streets because the police officer, in the midst of all the flurry of handcuffing a suspect, a suspect who could be screaming, yelling, ranting, and raving, and all of the confusion, the policeman forgets to recite one of the rights, and they are let out on the streets. The intention was good, but the legalistic point of law was missed. The judge has no alternative.

What about those drug pushers and addicts and those involved in illicit activities who are arrested, they put up bond, they are back on the street, they put up bond, are arrested again, back and forth, the merry-go-round goes around and around. All these types of issues that you have heard about, you have read about, you have seen movies about, all these issues are being addressed in a comprehensive crime package. Where is it? It is in committee. Are they holding hearings on it? They are not holding hearings on it.

Now, understand this. The same committee that refuses to hold hearings on issues that I have just mentioned to you, the exclusionary rule, bail bond reform, and so many others, the same committee feels it more important to hold hearings on drugging horses. Somehow drugging horses seems to be more important to the American people than molesting children and crime in this country. I think priorities are off.

It is pretty clear the present system is not functioning to any reasonable capacity. This is why this Chamber is empty. This is why I have taken the floor to talk today mainly about fiscal policy and tax policy. This is why my colleagues, as I have said several times before we took the floor to talk about a balanced budget amendment. We do not have another forum. This is it.

So the Speaker of the House decided that since the Republicans are giving special orders every single night, what we will do, breaking all historical precedent and rules, we will have the cameras in the House Chambers issue a wide angle lens to show the Chamber is empty, we will embarrass the Republicans. Oh, they will do it when the Democrats get up to speak, but as you can see, they are very few and far between in special orders. The Democrats have their forum, as I said, in all of the committees and on the floor. I mean they control everything. So as a result, we have to be submitted to wide

angle lenses, to presumed embarrassment. But I am not embarrassed at all. I am not embarrassed at all because there are people, my colleagues, listening in their offices. I am not supposed to mention the 17-million people who are potentially viewing C-SPAN on cable hooked up to their homes. But the point is, this is it, this is our forum, and this is why we take our own time late at night, when most Members are shaking hands, kissing babies or doing work in their offices, what they should be doing, because regular business is over. I am taking this time on my schedule because I want the American people and my colleagues to know about the American agenda. I have talked tonight for 50 minutes about one of those particular items. My colleagues before me talked about another item on the American agenda. That is the agenda of the American people. The polls show clearly that they are demanding these issues be brought up, debated and passed, but there is no action.

So who is going to determine the future of this country? Who is going to determine the future of the floor action and the fairness rules in this body and whether or not we are going to have a balanced budget amendment, a 3-year budget freeze or a flat rate income tax? Who will be the determining factor? It will not be us in here. Only indirectly. It will not be the ladies and gentleman that run this Congress. It will be, in my opinion, my colleagues, the American people who will make their minds up. Although they are not here to listen, they are hearing me through one vehicle or another.

The American people will rise up in a productive way and demand change of policy in this country.

TRUTH IN LENDING—IT'S NO MYSTERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I can recall when the terms contained in a consumer credit agreement were similar to the clues found in an Agatha Christie novel. Prior to 1968, consumers shopping for credit were presented with loan agreements so confusing that even Miss Marple would have difficulty interpreting the loan's requirements. Since the implementation of the Truth in Lending Act, consumers are no longer faced with the dilemma of having to agree to a credit document which contains terms and phrases they are unable to understand. Truth in lending provides consumers with a clear-cut, detailed state-

ment of rights and liabilities in consumer lending transactions.

The Truth in Lending Act requires lenders to disclose the true cost of credit. Under the act, the bank must disclose the annual percentage rate of the loan and all finance charges associated with obtaining credit. Any start-up costs, discount rates, or penalty provisions are mandated by law to be clearly stated, and entered into the calculations determining the cost of the loan.

Providing this information serves a dual purpose. By detailing the exact requirements of a credit transaction, the chance of a misunderstanding between lender and borrower is significantly reduced. The consumer has the opportunity to understand the interest rate of the loan and the amount for which he or she will be responsible. A bank or lending institution cannot advertise available credit at a certain percentage, and then, once the customer is in the door, hit him with add-on fees, discount rates, and varied length of contract terms. Creditors, on the other hand, also benefit from the increased communication. Because the credit documents are clear, the possibility of a dispute arising during the course of the loan is less likely, and the administration of credit becomes a simpler process.

Truth in lending is one example where government regulation has actually served to encourage competition. As a result of this important disclosure law, a consumer seeking credit may compare the benefits of one loan to another directly. Easy access to credit cost information has made shopping for a credit agreement a less complex process. The effect has been to make lenders increasingly competitive in relation to each other, as consumers need not keep a calculator in hand to determine the actual requirements of each credit agreement. Competition among lenders is conducted on a wide-open basis, for every creditor may easily determine the rates being charged by other institutions, and is forced to adjust to the market.

The Truth in Lending Act has provided other benefits as well. The atmosphere of full disclosure promoted by the Truth in Lending Act has severely reduced the potential for fraudulent activity in the implementation of the agreement. Because of the act, consumers are informed of the annual percentage rate and full finance charges that will accrue before the agreement is signed.

Additionally, consumers are less vulnerable to high pressured credit sales techniques. If a consumer is pressured into a bad deal which would result in the consumers home being used for se-

curity, the act provides the consumer with a 3-day cooling off period in which to rescind the credit transaction. Finally, if a consumer elects to obtain credit from a lender, the Truth in Lending Act provides for disclosure during the course of the transaction.

The Truth in Lending Act has been successful from the day it was enacted. Consumers are protected from shady practices and preplexing loan agreements. The regulations foster greater understanding between the parties, and as a result, consumers are more knowledgeable about credit agreements than ever before. There is no need to invite a detective along on a loan shopping expedition. The cloak of mystery that once shrouded credit terms has been effectively removed.●

RECONCILIATION UPDATE

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am pleased to report that we are making good progress in the reconciliation conference, which is in its third week. As I previously reported, subconference 7 has finished its work, and we expect the remaining 11 subconferences to reach agreement in the next few days.

Members should be aware that Chairman ROSTENKOWSKI received unanimous consent this past Monday to file the reconciliation conference report this Friday and to bring the measure up next Wednesday, June 27, on the House floor for a vote.

Today subconferences 1, 3, and 4, involving the Ways and Means, Energy and Commerce, and Senate Finance Committees are scheduled to meet on tax and spending issues, and subconference 8, involving the House and Senate Banking Committees is meet-

ing at noon to finish action on the Federal Credit Union insurance premium issue.

Highlights of action taken so far include:

The House Ways and Means and Senate Finance Committees have reached agreement on approximately \$45 billion worth of tax increases for fiscal year 1985-87.

The same two committees met last week and agreed to 3-year spending reductions of \$2.6 billion—including Medicare cuts and Grace Commission savings.

Subconference 7, involving House Government Operations and Armed Services, and the Senate Governmental Affairs agreed last week to compromise language on the Federal procurement process.

Below is a list of the subconferences involved in the reconciliation conference:

Subconference:	House committees	Senate committees	Issues	Status
1	Ways and Means	Finance, Budget	Taxes	Meeting
2	Energy and Commerce, Budget	do	Medicaid/CHAP	Do.
3	Ways and Means, Budget	do	Medicare Pt. A SSI, AFDC, Grace Commission issues	Do.
4	Ways and Means, Energy and Commerce Budget	do	Medicare Pt. B	Do.
5	Appropriations, Rules, Budget	Appropriations, Governmental Affairs, Budget	Appropriations cap.	Discussion underway.
6	Post Office and Civil Service, Armed Services, Judiciary, Budget	Governmental Affairs, Budget	Federal retirement	Do.
7	Armed Services, Government Operations, Budget	Armed Services, Governmental Affairs, Budget	Procurement/competitive contracting	Completed action.
8	Banking, Budget	Banking, Budget	Federal Credit Union insurance premiums	Informal agreement reached.
9	Small Business, Budget	Budget	Small business disaster loans	Do.
10	Veterans' Affairs, Budget	Veterans' Affairs, Budget	Veterans issues	Do.
11	Government Operations, Budget	Governmental Affairs, Budget	Miscellaneous	Discussions underway.
12	Budget	Budget	do	Do.

CLARIFICATION OF VOTE ON H.R. 5600, PREVENTIVE HEALTH SERVICES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. JONES] is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, on Monday, June 11, I voted against a motion to suspend the rules of the House and pass H.R. 5600, the Preventive Health Services Act. I am taking this opportunity to clarify that vote for the record.

As you know, the House Democratic Caucus rules deem it inappropriate to consider legislation authorizing more than \$100 million under suspension of House rules. H.R. 5600 authorizes \$291 million in fiscal year 1985 alone and approximately \$900 million over a 3-year period.

I would underscore that my vote against H.R. 5600 in no way indicates my opposition to the programs being reauthorized in the Preventive Health Services Act. In fact, the programs in this bill have a beneficial impact on the health of our Nation's people. In Oklahoma, title X funds of \$1.97 million in fiscal year 1983 were pooled with \$1.6 million in State funds and

\$500,000 from the maternal and child health block grant to serve more than 61,000 people. These funds enable 75 provider agencies to offer services in 72 of Oklahoma's 77 counties.

H.R. 5600 passed the House by a 3-to-1 margin with broad bipartisan support. But for the procedural considerations, I would have supported the legislation.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LELAND (at the request of Mr. WRIGHT), for today, on account of official business.

Ms. MIKULSKI (at the request of Mr. WRIGHT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DANNEMEYER) to revise and extend their remarks and include extraneous material:)

Mr. WEAVER, for 60 minutes, on June 25.

Mr. DANNEMEYER, for 60 minutes, on June 21.

(The following Members (at the request of Mr. CRAIG) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

Mr. WEBER, for 60 minutes, on June 21.

Mr. WALKER, for 60 minutes, on June 21.

Mr. GINGRICH, for 60 minutes, today.

Mr. MACK, for 60 minutes, on June 20.

Mr. GINGRICH, for 60 minutes, on June 21.

(The following Members (at the request of Mrs. BOGGS) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. JONES of Oklahoma, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. DYMALLY, for 30 minutes, on June 21.

Mr. GAYDOS, for 60 minutes, on June 25.

Mr. GAYDOS, for 60 minutes, on June 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDWARDS of California, to revise and extend after the remarks of Mr. LUNGREN of California on amendment No. 66.

Mr. SLATTERY, immediately preceding the vote on final passage of H.R. 1510 today.

Mr. SCHEUER, immediately preceding the vote on final passage of H.R. 1510 today.

(The following Members (at the request of Mr. CRAIG) and to include extraneous matter:)

Mr. YOUNG of Alaska.

Mr. MACK.

Mr. PHILIP M. CRANE in three instances.

Mr. PORTER.

Mr. WOLF.

Mr. O'BRIEN.

Mr. SHUMWAY.

Mr. ROTH.

(The following Members (at the request of Mrs. Boggs) and to include extraneous matter:)

Mr. MOODY.

Mr. ORTIZ.

Mr. SIKORSKI.

Mr. OTTINGER.

Mr. SUNIA.

Mr. BREAU.

Ms. MIKULSKI.

Mr. MORRISON of Connecticut.

Mr. JONES of Tennessee.

Mr. ROYBAL in two instances.

Mr. ACKERMAN in two instances.

Mr. JONES of Oklahoma.

Mr. KOLTER.

Mr. IRELAND.

Mr. RANGEL.

Mr. MINISH in two instances.

Mr. STAGGERS.

Mr. DELLUMS.

Mr. BARNES.

Mr. BERMAN.

Mr. LELAND.

Mr. HAMILTON.

Mr. FEIGHAN.

Ms. OAKAR.

Ms. KAPTUR.

Mr. TORRICELLI.

Mr. LIPINSKI.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 837. An act to designate certain National Forest System lands in the State of Washington for inclusion in the National Wilderness Preservation System, and for other purposes;

S. 1135. An act to consent to the Goose Lake Basin Compact between the States of California and Oregon; and

S. 2776. An act to continue the transition provisions of the Bankruptcy Act until June 27, 1984, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4201. An act to provide for the re-scheduling of methaqualone into schedule I of the Controlled Substances Act, and for other purposes;

H.R. 3131. An act for the relief of Marina Kunyavsky;

H.R. 3221. An act for the relief of Harvey E. Ward; and

H.R. 1149. An act to designate certain National Forest System and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes.

ADJOURNMENT

Mr. SILJANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Thursday, June 21, 1984, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3599. A letter from the Chairman, Professional Audit Review Team, transmitting a copy of a report entitled "Performance Evaluation of the Energy Information Administration" (PART-84-1, June 15, 1984), pursuant to 15 U.S.C. 790d(a) (FEAA, section 55(a) (90 Stat. 1137)); to the Committee on Energy and Commerce.

3600. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of defense articles sold commercially under a contract to Israel, pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3601. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Leonardo Neher, Ambassador-designate to the Republic of Upper Volta, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3602. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Paul F. Gardner, Ambassador-designate to Papua New Guinea and to Solomon Islands, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3603. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Diana Lady Dougan, Coordinator for Communications and Information Policy, with the rank of Ambassador, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3604. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Alberto M. Piedra, Ambassador-designate to the Republic of Guatemala, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3605. A letter from the Secretary of Health and Human Services, transmitting a report on fiscal year 1981 medicare activities, the End Stage Renal Disease Program and the MediGap Health Insurance Program, pursuant to SSA, sections 1875(b), 1881(g), and 1882(f)(2); jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HEFNER: Committee on Appropriations. H.R. 5898. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1985, and for other purposes. (Rept. No. 98-850). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIXON: Committee on Appropriations. H.R. 5899. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes. (Rept. No. 98-851). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 or rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HEFNER:

H.R. 5898. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1985, and for other purposes.

By Mr. DIXON:

H.R. 5899. A bill making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1985, and for other purposes.

By Mr. BREAUX (for himself, Mr. HUGHES, and Mr. LAGOMARSINO):
H.R. 5900. A bill to provide for the designation of private property suitable for wetland protection and enhancement, to amend the Internal Revenue Code of 1954 to promote transfers of real property interests for natural area preservation purposes, and for other purposes; jointly, to the Committees on Merchant Marines and Fisheries, and Ways and Means.

By Mr. PHILIP M. CRANE:
H.R. 5901. A bill to repeal the provisions of law under which the denial of nondiscriminatory treatment (most-favored-nation treatment) to nonmarket economy countries under title IV of the Trade Act of 1974 may be waived; to the Committee on Ways and Means.

By Mr. NEAL:
H.R. 5902. A bill to amend the War Powers Resolution to make rules governing certain uses of the Armed Forces of the United States in the absence of a declaration of war by the Congress; jointly, to the Committees on Foreign Affairs and Rules.

By Mr. OBERSTAR (for himself, Mr. MAVROULES, Mr. WON PAT, Mr. LEVINE of California, Mr. STOKES, Mr. MITCHELL, Mr. SHANNON, Mr. JEFFORDS, Mr. SIKORSKI, Ms. KAPTUR, Mr. COUGHLIN, Mr. FAUNTROY, Mr. ASPIN, Mr. BATES, Mr. SPRATT, Mr. CARPER, Mr. LOWRY of Washington, Mr. KILDEE, Mr. GREEN, Mr. BARNES, Mr. EDWARDS of California, Mr. MORRISON of Connecticut, Mr. ACKERMAN, Mr. FRANK, Mr. HAMILTON, Mr. MINETA, Mr. BONER of Tennessee, Mr. WEAVER, Mr. DURBIN, Mr. FASCELL, Mr. DASCHLE, and Mr. BOEHLERT):
H.R. 5903. A bill to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ROYBAL (for himself, Ms. OAKAR, Mr. SYNAR, Mr. VENTO, Mr. FRANK, Mr. WISE, Mr. DYSON, Mr. LONG of Maryland, and Mr. SEIBERLING):
H.R. 5904. A bill to reorganize the Department of Health and Human Services by establishing an independent agency, governed by a bipartisan board, to administer the Old-Age, Survivors, and Disability Insurance Program under titles II and XVI of the Social Security Act, to provide appropriate delegations of authority to such agency from the General Services Administration and the Office of Personnel Management, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:
H.R. 5905. A bill to amend title 46, United States Code, clarifying the Federal pilot requirements; to the Committee on Merchant Marines and Fisheries.

By Mr. MORRISON of Connecticut (for himself, Mr. GEJDENSON, Mrs. KENNELLY, Mr. RATCHFORD, Mr. MCKINNEY, and Mrs. JOHNSON):
H.J. Res. 598. Joint resolution proclaiming Douglas Clyde Macintosh to be an honorary citizen of the United States; to the Committee on the Judiciary.

By Mr. PORTER:
H.J. Res. 599. Joint resolution to designate August 1, 1984, as "Helsinki Human Rights Day"; jointly, to the Committees on Foreign Affairs, and Post Office and Civil Service.

By Mr. DURBIN (for himself and Mr. HOPKINS):
H. Con. Res. 323. Concurrent resolution expressing the sense of the Congress that the late Sgt. Billy Finley of Decatur, IL, should be honored for his heroic behavior during World War II and for creating good will between U.S. soldiers and the citizens of France; to the Committee on Post Office and Civil Service.

By Mr. MOODY:
H. Con. Res. 324. Concurrent resolution urging the President to restore United States funding for private and voluntary organizations carrying our development assistance programs in Nicaragua; to the Committee on Foreign Affairs.

By Mr. VANDERGRIFFF:
H. Res. 530. Resolution urging continuation of tax deductibility of residential mortgage interest payments; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 965: Mr. SIMON.
H.R. 1918: Mr. COATS.
H.R. 2852: Mr. HARTNETT
H.R. 3487: Mr. ANDREWS of North Carolina.
H.R. 3498: Mr. AKAKA.
H.R. 3873: Mr. BATES.
H.R. 4447: Mr. HAYES.
H.R. 4760: Mr. LONG of Louisiana.
H.R. 4773: Mr. GORE and Mr. BILIRAKIS.
H.R. 4832: Mr. FAZIO.
H.R. 4837: Mr. EMERSON and Mr. SILJANDER.

H.R. 5078: Mr. DERRICK.
H.R. 5243: Mr. PATTERSON.
H.R. 5377: Mr. SMITH of New Jersey, Mr. LEVINE of California, Mr. CHENEY, Mr. YATRON, Mr. ADDABBO, Mr. SOLARZ, Mr. STENHOLM, Mr. BATES, and Mr. CARNEY.
H.R. 5529: Mr. COELHO and Mr. EDWARDS of Oklahoma.

H.R. 5581: Mr. HUGHES, Mr. LEHMAN of Florida, and Mr. WEISS.
H.R. 5615: Mr. EDWARDS of Oklahoma and Mr. EVANS of Illinois.

H.R. 5725: Mrs. BURTON of California, Mr. CLAY, Mr. DORGAN, Mr. EDWARDS of California, Mr. TORRICELLI, Mr. LANTOS, Mr. LONG of Maryland, Mr. PARRIS, Mr. PATTERSON, Mr. PRICE, Mr. WILSON, and Ms. KAPTUR.
H.R. 5745: Mr. SHANNON.
H.R. 5762: Mr. DURBIN.

H.R. 5835: Mr. COUGHLIN, Mr. LaFALCE, Mr. LEVINE of California, Mr. FOGLIETTA, Mr. FAZIO, Mr. FEIGHAN, Mr. LEVIN of Michigan, Mr. McHUGH, Mr. LANTOS, Mr. DUNCAN, Mr. CARPER, Mr. LOWRY of Washington, Mr. COYNE, Mr. MCKINNEY, Mr. TORRICELLI, Mr. STARK, Mr. GRADISON, Mr. MCKERNAN, Mr. KEMP, and Mr. FASCELL.
H.R. 5837: Mr. BEREUTER.

H.J. Res. 342: Mr. ALBOSTA, Mr. ALEXANDER, Mr. ASPIN, Mr. BARNARD, Mr. BEDELL, Mr. BENNETT, Mr. BREAUX, Mr. BROOKS, Mrs. BURTON of California, Mr. COLEMAN of Texas, Mr. D'AMOURS, Mr. DORGAN, Mr. EDWARDS of California, Mr. REID, Mr. FORD of Michigan, Mr. GARCIA, Mr. HANCE, Mr. HOYER, Mrs. KENNELLY, Mr. LEHMAN of California, Mr. LELAND, Mr. MICA, Mr. MILLER of California, Mr. MOLLOHAN, Mr. MOODY, Mr. OTTINGER, Mr. ROYBAL, Mr. STRATTON, Mr. SYNAR, Mr. TORRES, Mr. TORRICELLI, Mr. UDALL, Mr. WISE, and Mr. WOLPE.

H.J. Res. 482: Mr. COYNE, Mr. CHAPPIE, Mr. CONTE, Mr. WEISS, Mr. COOPER, and Mr. BERMAN.

H.J. Res. 485: Mr. WEAVER, Mr. WOLF, Mr. BROOKS, Mr. BOUCHER, Mr. GRAY, Mr. YOUNG of Missouri, Mr. ANTHONY, Mr. YOUNG of Alaska, Mr. VANDER JAGT, Mr. TORRICELLI, Mr. O'BRIEN, Mr. ORTIZ, Mr. McHUGH, Mr. MARKEY, Mr. TAUKE, Mr. MOORHEAD, Mr. SMITH of New Jersey, Mr. GREGG, Mr. PURSELL, Mr. CARNEY, Ms. FIEDLER, Mr. NIELSON of Utah, Mr. COURTER, Mr. RINALDO, Mr. YATES, Mr. BOSCO, Mr. JONES of North Carolina, Mr. MATSUI, Mr. OTTINGER, and Mr. STAGGERS.

H.J. Res. 497: Mr. DELLUMS, Mr. FOGLIETTA, Mr. HERTEL of Michigan, Mr. COURTER, Mr. HARTNETT, Mr. HOPKINS, Mr. OWENS, Mr. BREAUX, and Mr. MOAKLEY.

H.J. Res. 514: Mrs. JOHNSON and Mr. ST GERMAIN.

H.J. Res. 527: Mr. GOODLING.

H.J. Res. 528: Mr. LUKEN, Ms. MIKULSKI, Mr. HARRISON, Mr. BARTLETT, and Mr. GORE.

H.J. Res. 542: Mr. ANDERSON, Mr. BIAGGI, Mr. ADDABBO, Mr. CORRADA, Mr. CHAPPELL, Mr. DYMALLY, Mr. BROOKS, Mr. BERMAN, Mr. JACOBS, Mr. HUGHES, Mr. DWYER of New Jersey, Mrs. LLOYD, Mr. WEISS, Mr. GARCIA, Mr. NEAL, and Mr. REID.

H.J. Res. 555: Mr. DICKINSON, Mr. WYDEN, Mr. DIXON, Mr. EVANS of Illinois, Mr. GUARINI, Mr. RODINO, and Mr. YOUNG of Florida.

H.J. Res. 577: Mr. BOEHLERT, Mr. BONIOR of Michigan, Mr. DARDEN, Mr. GEJDENSON, Mr. GINGRICH, Mr. HALL of Ohio, Mr. HUTTO, Mr. KINDNESS, Mr. LATTI, Mr. LUNDINE, Mr. MILLER of California, Mr. PATTERSON, Mr. ROBERTS, Mr. RUDD, Mr. ST GERMAIN, Mr. SAVAGE, Mr. SHANNON, Mr. SHUMWAY, Mr. STOKES, Mr. TALLON, Mr. TAUZIN, and Mr. WEISS.

H.J. Res. 589: Mr. VANDERGRIFFF, Mr. ROE, Mr. FLORIO, Mr. VOLKMER, Mr. AKAKA, Mr. CARR, Mr. SKELTON, Mr. DWYER of New Jersey, Mr. LELAND, Mr. KOLTER, Mr. McGRATH, Mr. FROST, Mr. SMITH of Florida, Mr. DIXON, Mr. HUGHES, Mr. FAZIO, Mr. RAHALL, Mr. LEVIN of Michigan, Ms. MIKULSKI, Mr. WEISS, and Mr. BONIOR of Michigan.

H. Con. Res. 107: Mr. KOGOVSEK.

H. Con. Res. 302: Mr. ECKART, Mr. WALGREN, Mr. CLARKE, Mr. LEVIN of Michigan, Mrs. BOXER, Ms. MIKULSKI, Mr. SILJANDER, and Mr. SOLOMON.

H. Con. Res. 312: Mr. EDWARDS of Oklahoma.

H. Res. 518: Mr. DREIER of California, Mr. YOUNG of Florida, and Mr. LEACH of Iowa.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5151

By Mr. COLEMAN of Missouri:
—Strike section 107(a), page 10, and insert in lieu thereof the following:

SEC. 107. (a) The first sentence of section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by—

(1) striking out "\$1,500" and "\$3,000" and inserting in lieu thereof "\$2,250" and "\$3,500", respectively; and

(2) inserting in the second sentence, "and any other property, real or personal, to the extent that it is directly related to the maintenance or use of such vehicle" after the words "physically disabled household member".

By Mr. EMERSON:

—Strike section 106, pages 8 through 10,

and renumber the subsequent sections accordingly.

H.R. 5798

By Mr. ALBOSTA:

—Page 30, line 23, strike out "\$110,953,000" and insert in lieu thereof "\$111,833,000".

Page 31, at the end of line 9, add the following new sentence: "Of the aggregate amount appropriated to the Office of Per-

sonnel Management, \$2,000,000 shall be available to the Office of Government Ethics."

H.R. 5813

By Mrs. VUCANOVICH:

—Page 8, line 21 strike out "\$2,622,600,000" and insert in lieu thereof "\$2,602,600,000".

Page 9, line 19, strike out "\$1,500,000,000" and insert in lieu thereof "\$1,460,000,000".

SENATE—Wednesday, June 20, 1984

(Legislative day of Monday, June 11, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Preserve me, O God for in Thee do I put my trust.—Psalm 16:1.

Gracious God, these words of the psalmist seemed so relevant to me today as I sat in the Capitol Prayer Room looking at the stained glass window where they are engraved around the figure of Gen. George Washington kneeling at Valley Forge. Help them to be real in this Chamber today.

Father in Heaven, we accept with gratitude our diversity and the freedom to express it as the very essence of our political system. The strength of our unity is our diversity. We accept with gratitude the struggle endemic in the many differences and their expression in such a system as competition and compromise resolve into cooperation. Grant special grace to the Senators, strong as are their convictions, weary as they are in body and mind, to bring to conclusion the present struggle. May the breath of Thy Spirit renew and refresh physically, emotionally and mentally all who labor here. In the name of Him who said, "Come unto me all ye who labor and are heavy laden and I will give you rest." (Matthew 11:28) Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, we have now had a series of long nights in an effort to finish the Department of Defense authorization bill. I know, judging by my own feelings, that Members are tired, and they will not welcome what I am about to say next.

But I think the day has arrived when we have to finish this bill. Both the distinguished chairman of the committee and the ranking member indicate that it is essential we get on with final passage so that we may go to conference with the House of Representatives, and complete action on

the authorization bill in advance of the appropriations process.

I agree with that. And I regret to say then that in order to comply with their wishes, they feel that they must finish tonight. That may mean a very late night, Mr. President. And the fatigue that will accumulate on top of the fatigue which already exists will be substantial. And I apologize to all Members and their families for that. But occasionally the Senate gets in these spots where you have to do what you have to do. I am afraid this is one of them. So even though we are tired and fatigued from a string of late nights running past midnight in most cases, and busy days filled with controversy, I am afraid that it is necessary to announce once more that we will be in very late tonight, and I would expect later than we have been here before.

I will continue to consult with the managers and minority leader. We will explore the possibilities of time limitations as we go along. But so far it has appeared that we get along better if we just proceed an amendment at a time. The difficulty in trying to fit the known amendments into the time remaining and obtain a time for final passage has been insurmountable so far. But I will continue to explore that with the minority leader, and make any further announcements that seem warranted and justified later in the day.

Mr. President, the Senate will be in tomorrow and Friday. Assuming that we finish DOD authorization tonight, it would be my hope that we could do one or perhaps two of the appropriations bills, as well as the math-science bill. I had the opportunity to talk to major combatants on the math-science bill, particularly the equal access amendment to that bill on yesterday. And I am encouraged to think we might work something out that would let us finish our work on math-science in a fairly brief period of time.

Mr. President, this week we must do the Department of Defense authorization bill. I hope we can do the math-science bill. I expect us to do at least one, and perhaps two, of the appropriations bills. The ones I see most likely are energy water and HUD.

Next week, Mr. President, also will be a busy week. I have been informed that the House will initiate an adjournment resolution that will provide for an adjournment for the Fourth of July recess beginning on the close of business the 28th. I may not be right

about that. But that is my information at this moment. That is Thursday instead of Friday. That will make our situation even more difficult, because next week other things that we must do are the Public Law 480 conference, which I anticipate we will try to do on Monday.

We have as well to do the legislative appropriations bill, the debt limit perhaps, and maybe most important of all the deficit reduction conference report. I talked this morning with some of the conferees, notably the chairman of the Finance Committee, Senator DOLE, and I am encouraged to think that the conferees might finish their work this week. If that is the case, then I would expect us to take up that conference report as soon as practicable next week. I might say, by the way, that I am advised that from a parliamentary standpoint since the House declined our first request for a conference that perhaps the Senate can act, first assuming we can find the papers. If that is the case, then we will have some unusual but welcome opportunity to schedule action on the conference report as our requirements may suggest.

Mr. President, in addition to the Public Law 480 conference, the deficit reduction conference report, and the debt limit, I also would hope that we can do the drunk driving bill. I have not yet had an opportunity to give the minority leader a copy of my handwritten notes this morning, but I will do that. We will confer on how we may fit all of this into the remaining time. It will not be easy. But I think that is what we must do, Mr. President, in order to finish. The Senate certainly will have to be in tomorrow, and probably will have to be in on Friday in order to make all of this fit.

I apologize, Mr. President, for the lengthy and rambling report I have just given. But I suppose it is the best I can do given the circumstances and the level of fatigue which exists in my mind, and I will bet in most other Senators' as well.

Mr. President, there is a special order this morning in favor of Senator PROXMIRE to be followed by a time for the transaction of routine morning business to be followed by a brief period for morning business. At 11:30 a.m. we will resume consideration of the pending business which is the Department of Defense authorization bill and the pending question will be the Nunn amendment, No. 3262.

Incidentally, I am told that is not the NATO Nunn amendment but is a test ban amendment.

Mr. President, if I have any time remaining, I yield it to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER [Mr. KASTEN]. The distinguished minority leader is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, I thank the majority leader for his usual thoughtfulness and courtesy.

SUMMER YOUTH EMPLOYMENT

Mr. BYRD. Mr. President, I am very concerned, as I am sure others are here, that action be taken as quickly as possible on summer jobs for youth. Tomorrow is the first day of summer. I am pleased to hear the distinguished majority leader say that on Monday the Senate will take up the conference report. I would hope we could do that before Monday. But if we cannot, it is welcome news that the distinguished majority leader is going to call up that conference report on Monday.

I first feel that the administration ought to stop its insistence on keeping \$21 million in secret foreign aid at the top of the list, and is resisting, according to news reports, any effort to separate the two—the secret foreign aid, and the domestic aid, WIC, child nutrition, and summer jobs for youth.

The distinguished majority leader has a difficult row to hoe, with the administration insisting that those two items have to be lumped together. I do not think they have to be lumped together. I think that the Senate ought to act quickly, and should have already acted, as a matter of fact, to cut those two apart. The conference report could be called up, one way or another, and we could have a vote on the amendments in disagreement, one of which is the \$21 million in covert aid to Nicaraguan rebels.

I do not say this by way of attempting to be instructive to the distinguished majority leader. He has to work as he thinks best, and, as I say, he labors under the burden of having the administration insisting, insisting, insisting on these two items being kept together. I am sorry the administration feels that way about it.

I think it should give top consideration to this important domestic aid, if I may use that term in speaking of those three items—WIC, child nutrition, and summer jobs for youth—and stop insisting on holding American aid hostage to this secret foreign aid.

The President is lucky, really lucky, lucky any way you look at it, and indeed, he should be thankful every day that he has HOWARD BAKER as ma-

jority leader because many of the victories that the administration has claimed on Capitol Hill would not have come about without the skillful handling of Senator BAKER, the majority leader of the Senate.

Perhaps the majority leader would wish to make some comment, or maybe not. If he does, I will yield back some time to him.

If he does not, at this point, I will ask the majority leader if he will ask unanimous consent that I may have an additional 10 minutes, because today is the 121st birthday of West Virginia.

By the way, yesterday was the birthday of the able Senator from North Dakota [Mr. BURDICK].

Today is the 121st birthday of West Virginia. My colleague and I want to talk a little about that birthday. If the majority leader would allow us to have an additional 10 minutes following Senator PROXMIRE, we would appreciate it.

Mr. BAKER. Mr. President, if the Senator will yield, I ask unanimous consent that the distinguished Senator from West Virginia may have up to the hour of 11:29 in which to make appropriate remarks as he may wish on the birthday of the State of West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the minority leader for giving me this opportunity. I have nothing further to say, except that we are going to take up the Public Law 480 conference report, and I expect that the Senate will work its will.

Mr. DIXON. Would the minority leader permit me to interrupt this discussion only momentarily with the greatest reluctance because of the importance involved before my warm friend, the majority leader, leaves the floor?

Mr. BYRD. How much time does the Senator wish?

Mr. DIXON. Only a moment or two, if the minority leader will indulge me.

Mr. BYRD. I yield 3 minutes to the distinguished Senator.

Mr. DIXON. I thank the minority leader. He is a great leader, and I appreciate his consideration.

May I say to the majority leader I know how much he looks forward to engaging in a discussion with his friend from Illinois.

I want to say how regretfully I have imposed upon his time. I have been bothering him every day about this matter. It was kind of him to mention Public Law 480 money. Of course, that is House Joint Resolution 492, the urgent supplemental, that has been on the calendar for a long time. It contains the \$100 million for the Summer Youth Employment Program, the WIC Program, the Child Nutrition Program, and many other things. I ap-

preciate his suggestion that we can get to it on Monday.

May I make this observation before I ask a question: Last Friday, I observed while riding over here on the subway for the first rollcall that there would only be about 85 here, and that is the number that was here. Monday and Friday are notoriously bad for attendance. Last night we had 99 Senators here for a question.

I wonder if the majority leader might not think this is important enough to take it out of order, out from under the DOD authorization bill. It is truly what the name implies, an urgent supplemental. Young people are out of school and out of work in the big cities of America. The nutrition and WIC programs are running out of money the first week of July. I consider this of the greatest importance.

I would greatly appreciate it if he would reconsider his determination to call this up on Monday when I predict 15 of our colleagues will not be here to resolve what I consider to be perhaps one of the major issues that we are going to vote upon this year.

Mr. BAKER. Mr. President, I thank the Senator. I will give a very brief reply by saying:

One. I am for summer jobs, as the Senator knows. That is my principal reason for insisting that we take up this matter, in addition to the other matters involved.

Two. Not only has the junior Senator from Illinois been persistent in trying to get a commitment in scheduling this thing, but so has the senior Senator. I do not remember any recent time when two Senators have been more insistent on a subject than the Senators from Illinois have been on summer jobs. I want the people of Illinois to know that they are principally responsible for me rearranging the schedule in order to accommodate this matter.

Three. Mr. President, the toughest part of this job is making it work. That is, trying to put a calendar together that will work. This is the best I can do. I must say in all respect that there is no way that we can schedule this before Monday. I had to really stretch in order to get the thing dropped in ahead of regular appropriations bills and other matters. So I hope the Senator will understand that I am trying to be generous and I am trying to be forthcoming and I am trying to respond to his persistent request, properly so. I hope that the scheduling of this important matter will encourage Senators to be here on Monday, and I think it will. In any event, I will say to the Senator what I said earlier to the press in our informal press conference, one way or another we are going to get this thing

passed, and I believe it will be on Monday.

The PRESIDING OFFICER. The time yielded to the Senator from Illinois has expired.

HAPPY BIRTHDAY, WEST VIRGINIA

Mr. BYRD. Mr. President, on this day in 1792, Congress adopted the Great Seal of the United States, on whose face appears the motto "E Pluribus Unum."

On this day in 1837, Victoria became the Queen of England, reigning for 64 years, until her death in 1901.

And on this day in 1863, with the support of President Abraham Lincoln, West Virginia became the 35th State of the Union.

Today, then, is West Virginia's 121st birthday.

Some historians claim that the War Between the States produced only two indisputable and permanent results: the end of slavery in the United States and the formation of West Virginia. Along those lines, many historians portray West Virginia's birth almost wholly as a response to the slavery and secession questions that tore the Union asunder in 1861. That, however, is a misreading of West Virginia and Virginia history, alike.

Though overlooked by many, West Virginia history did not begin in 1861 with the firing on Fort Sumter in South Carolina. From the early 1700's on, a distinctive society and culture evolved in the mountains of western Virginia, and in that evolution the roots of contemporary West Virginia can be found. In the pre-French-and-Indian War years, inquisitive explorers ventured across the Blue Ridge and Allegheny Mountains into present-day West Virginia. In 1731, Morgan Morgan settled in today's Berkeley County. In 1749, Jacob Marlin and Stephen Sewell established homes in the Greenbrier River Valley. And prior to and after the American Revolution, George Washington took significant interest in landholdings that he had selected and surveyed in the Kanawha Valley near the site of Charleston.

Through his earlier experiences before and during the French and Indian War, Washington had gained a deep respect for the character and abilities of western Virginians. In fact, when America's prospects looked bleakest during the Revolutionary War, Washington declared that, if all else failed, he was prepared to "repair with a single standard to West Augusta—as western Virginia was denominated—and there to rally a band of patriots who would meet the enemy at the Blue Ridge, and there establish the boundary of a free empire in the West." And in a conversation reported by his secretary, Colonel Reed, Wash-

ington said, in case the Continental Army was defeated by the British:

We must retire to Augusta County, Virginia. Numbers will be obliged to repair to us for safety; and we must try what we can do in carrying on a predatory war; and if overpowered we must cross the Allegheny Mountains.

From the earliest frontier days, western Virginians were noted by their fellow countrymen for their independence, resourcefulness, and patriotism. And as late as the Virginia Constitutional Convention of 1850-51, George W. Summers, a native of Fairfax County representing Kanawha County and one of Virginia's leading Whig statesmen, underlined characteristics distinguishing western Virginians from their Tidewater brethren, saying in a speech to the convention:

Mr. Chairman, the gentleman from Fauquier, (Mr. Scott), said that there was "a proclivity to disunion sentiment in eastern Virginia." In speaking of the people of western Virginia, he said he looked upon our growth "with the pride of a Virginian and the sympathy of a brother," and that he looked to our people for important aid in the preservation of the Union of these States. In this expression he has done justice to the western people. They do love this Union, not with fitful, temporary attachment, but with a devotion as firm and unshaken as the mountains among which they dwell, and as constant as the flow of the streams which issue from their base. It was to the people of "West Augusta" that the thoughts of Washington's great soul were directed, when, in the darkest hour of the revolution, and when all was disaster and dismay around him, despair filled every heart but his own, he declared that though stripped of all means of attack or defence, if he was given the ability to erect a standard, however tattered and torn, upon the hills of "West Augusta," he could yet call around him the men, who would lift up and restore the bleeding fortunes of his country. Sir, our people are the children of that old "West Augusta." [Applause.] The descendants of those to whom Washington looked for succor and support, are as determined to preserve the independence and Union of these States, as their fathers were to achieve these blessings.

That, then, was the primary motive giving birth to West Virginia—not enmity for the old Dominion, but love for the Old Union. That passion for our country marked West Virginians from the beginning of our Republic, and to this day, I am privileged to represent some of America's most patriotic men and women, people who have not forgotten to put the interests of the whole United States above their own comforts and ease, and who are not ashamed to express in their words and deeds the love that they feel for our country and its sacred traditions. Since 1863, in war after war, thousands of West Virginians have rallied to America's defense, giving their lives in numbers proportionally greater than many more populous States, not because they were forced to, but because West Virginians believe inher-

ently in the principles of faith and liberty on which our Nation was founded.

That patriotism would make any Senator proud to represent West Virginia, I believe. But patriotism is but one West Virginia trait of which I am proud.

Over the past many months, West Virginia has suffered the highest unemployment rate in the country. West Virginians are by nature hard-working people whose main identification in life is their jobs. Unemployment hurts a man or woman's pride more deeply, perhaps, than most things that can befall him or her. At the highest, West Virginia's unemployment rate soared to 21.6 percent, and today has dropped to no less than 14.9 percent.

According to popular wisdom, that kind of deprivation and suffering should cause social conflict and widespread disregard for morality and common decency. But the West Virginia character is so strong and West Virginia values so deeply ingrained that those sociological platitudes seem to have no application to West Virginians. Last year, as in years past, West Virginia again had the lowest crime rate in the Nation. And during the years of highest unemployment in the State, violent and nonviolent crimes alike dropped in West Virginia.

That says something about the character and humanity of the people of my State. West Virginians have never lost the basic decency that has marked them throughout their history. West Virginians believe in certain values and standards that never change, no matter what the circumstances in which they find themselves. To live among the people of my State is oftentimes to have one's faith in humanity restored and reinvigorated.

West Virginia's story would be taken as a vindication by one great American above others—a man who had much in common with that basic West Virginia character. His statue today stands proudly on the grounds of the West Virginia State Capitol Building in Charleston—Abraham Lincoln. Without his faith in the people beyond the mountains west of Washington, West Virginia might never have come into existence. I believe if President Lincoln could see West Virginia today, he would join thousands of modern West Virginians in looking to an even brighter future for their State in the next 121 years as West Virginia continues to make her unique contributions to our country.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The minority leader has 11 minutes.

Mr. BYRD. I yield 5 minutes of my time to my distinguished senior colleague.

HAPPY BIRTHDAY, WEST VIRGINIA

Mr. RANDOLPH. Mr. President, the minority leader, my esteemed colleague from West Virginia [Mr. BYRD], is always very understanding of my request either to join with him or, in my own right, to speak of matters that are reflective of the State that we have the responsibility to represent—the State of West Virginia—in the U.S. Senate.

This day is the birthday of the State of West Virginia, the 121st birthday. On June 20, 1863, West Virginia had the unique distinction of being the only State in our Republic to be proclaimed into statehood by the action of the President of the United States. Abraham Lincoln signed the proclamation which brought West Virginia its statehood.

It is also appropriate to indicate, as we discuss the statehood of West Virginia, by the action of the Great Emancipator, to mention that the mother of Abraham Lincoln was born in the hills of West Virginia in the tiny hamlet of Antioch, between Keyser and Romney.

West Virginians are a sturdy people, living and working in one of the most beautiful and productive regions of our country. I thank my good friend for permitting me to join with him in remembrance of West Virginia, its past, its challenging present, and its bright future.

Mr. BYRD. Mr. President, I thank my senior colleague.

BELATED BIRTHDAY GREETINGS TO SENATORS HEFLIN AND BURDICK

Mr. BYRD. Incidentally, Mr. President, I should mention that our good friend, HOWELL HEFLIN, also had his birthday yesterday, as did our colleague, QUENTIN BURDICK, also.

Mr. RANDOLPH. Will the leader yield?

Mr. BYRD. Yes, Mr. President.

Mr. RANDOLPH. When the Senator mentioned that yesterday was the birthday of QUENTIN BURDICK, I recall that I had the privilege to serve with his fine father. His father was a Member of the House of Representatives. He was an all-American football player.

QUENTIN, his son, was a truly great football player. Both of them starred for the University of Minnesota. It is very appropriate that the minority leader mention QUENTIN BURDICK, a very fine Member of this body.

Mr. BYRD. Mr. President, I shall yield to Senator PROXMIRE, but I join Senator RANDOLPH in what he said about QUENTIN BURDICK and his father. I, too, served with QUENTIN BURDICK's father in the House of Representatives. I remember him as a big man—a big man in many ways: affable,

congenial, humorous, and effective. In many ways, I see in QUENTIN BURDICK his father, Usher Burdick. I see in QUENTIN some of the same characteristics.

The characteristics I am thinking of now are that he is firm, he is strong, and if he takes a position, it is a well-thought-out one. He is as firm and unshakable in his convictions as was his father.

I thank my colleague for reminding us that QUENTIN BURDICK's father was a strong and courageous and effective Member of the House of Representatives.

Mr. RANDOLPH. Will my leader yield further?

Mr. BYRD. Yes, Mr. President.

Mr. RANDOLPH. I remember his telling someone, "Don't call me Congressman Burdick. My name is Usher." And it was spelled U-s-h-e-r.

The leader has also properly mentioned HOWELL HEFLIN today. HOWELL's uncle, Tom Hefflin, served as a Senator from Alabama. He presented the legislation which created Mother's Day, which was the initiative of Anna Jarvis, a West Virginia woman.

I thank the leader very much.

Mr. BYRD. Mr. President, I thank my colleague.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, will the minority leader yield to me?

Mr. BYRD. Yes, Mr. President.

Mr. BAKER. It has been called to my attention that through the parliamentary gymnastics we engaged in, I cut the Senator from Wisconsin out of his time for his special order.

Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 11:45, under the same terms and conditions.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. President, I apologize to my colleague [Mr. PROXMIRE] for holding forth so long. If I have any time remaining, I yield it to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, there is no apology necessary. The Senator from West Virginia is always gracious and helpful.

350TH ANNIVERSARY OF THE FIRST EXPLORATION OF GREEN BAY, WI

Mr. PROXMIRE. Mr. President, this is a day for birthdays—West Virginia on the one hand and Green Bay, WI, on the other;

450 years ago this year, Jacques Cartier, the famous explorer and naviga-

tor, discovered Canada; 1984 also marks the 350th anniversary of Jean Nicolet's exploration of what is now Green Bay, WI, and the Fox River Valley of Wisconsin. Jean Nicolet was the first European to see and explore this region of the New World. Jean Nicolet, the great French explorer, even preceded Vince Lombardi, the great American of Italian extraction and promoter of football excellence, who put Green Bay on the map—really put it on the map.

To commemorate this 350th anniversary, there will be a "Heritage Festival" held in Green Bay, WI, from June 29 to July 8, 1984. As part of this celebration, the Alliance Franco-Americaine du Midwest has issued a proclamation in salute to Jean Nicolet.

Mr. President, I ask unanimous consent that the proclamation of the Alliance Franco-Americaine du Midwest be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, the summer of 1984 will mark the 350th anniversary of the landing of Jean Nicolet, the first Frenchman to see Northeastern Wisconsin and the Western Great Lakes Country, at what is now Green Bay, Wisconsin and

Whereas, for the citizens of Northeastern Wisconsin the commemoration of Nicolet's landing will afford an opportunity to reflect upon the 350 years of proud historical and continuing French ethnic heritage and

Whereas such an opportunity has not been afforded since the 1934 Tercentennial Celebration and

Whereas the 350,000 citizens of Wisconsin of French/French-Canadian ancestry wish to show their esteem and acknowledgement of this great historical event,

Now, therefore, the Alliance Franco-Americaine du Midwest wishes to salute Jean Nicolet, Explorer/Navigator, and extend a warm and heartfelt greeting to other citizens of these United States, and visitors to our country, to participate in this 1984 "Heritage Festival" ("A Celebration of Discovery") to be held in Green Bay, Wisconsin from June 29 thru July 8, 1984.

NUCLEAR STAR WARS—THE BIGGEST GOLDEN FLEECE OF THEM ALL

Mr. PROXMIRE. Mr. President, in the May 7 issue of Time magazine, that respected publication carries an editorial headed: "The Case Against Star Wars Weapons." This is an excellent protest against an administration initiative that could make nuclear war significantly more likely. I commend this editorial to every Member of the Congress. Here is the way it starts:

The esoteric yet immensely important national debate over how to avoid nuclear war has suddenly been focused like a laser beam on one issue: Should the United States develop and deploy a space-based system for defending itself against Soviet missiles so as to deter Moscow from ever contemplating an attack?

And here is how the editorial ends:

Meanwhile, offensive weapons are proliferating on both sides, and the prospect for limits any time soon, to say nothing of reductions, is bleak. That makes today the worst possible time for the superpowers to carry their competition into space—or even to threaten to do so.

As Time persuasively argues, the first reason this Congress should not accept the President's recommendation and appropriate \$2 billion for 1985 and commit ourselves to \$25 billion over the next 5 years is because it will not work. Any arguments that it will work?

Listen: The Congressional Office of Technology Assessment issued a report saying "that a comprehensive antiballistic missile system should not serve as the basis of public expectation or national policy."

In the administration itself, Richard DeLauer, Under Secretary of Defense for Research and Engineering, said the proposed system could be overcome by Soviet offensive weapons unless it was coupled with substantial controls on offensive arms. As DeLauer put it: "With unconstrained proliferation" of Soviet warheads, "no defensive system will work."

Now, obviously, Mr. President, if we can win an arms control agreement on which we can rely that will limit and reduce nuclear weapons on both sides, we will not need to spend billions of dollars on this dreamy star wars defense.

But as Time magazine argues, offensive arms control is dead in the water. Frankly, it is hard for this Senator to construct a scenario more likely to keep it dead than for the Congress to comply with the Presidential request to fund the President's Star Wars Program.

Why would funding the Star Wars defensive ABM program gut any real prospect of limiting offensive nuclear arms? Just put yourself in the position of the Russians. Our top expert, Secretary DeLauer, has admitted that any proposed defensive system could be overcome by Soviet offensive weapons. He has said that the only way we can expect to frustrate a Soviet missile attack is for the Soviets to agree to limit their offensive nuclear force in an arms control agreement with us.

Would they do this? Are they crazy? Why in the world would the Soviet Union agree to limit their nuclear arsenals in a mutual agreement with the United States when our top expert announces that such an accommodation with the Soviet Union is the only way we can stop their missiles and destroy their deterrent capability. It is what has made them a superpower. Are they going to enter into an arms control agreement that will kill their deterrence? Of course not.

What a ridiculous dilemma this whole Star Wars gambit has driven

this country into. The Soviet Union has vigorously protested the U.S. intention of building an elaborate antiballistic missile system. They see it as a very serious threat to their painfully constructed nuclear deterrent. Now we are told by the administration's top expert in the field that for the program to work, we need to secure an arms control agreement with the Soviet Union to limit and reduce offensive nuclear weapons. So we cannot make this fabulously expensive defensive system operate effectively unless the Soviets agree—that is right, the Soviets agree—to limit their offensive missiles so we can gain this super advantage over them.

Mr. President, in my 27 years in this body I have seen some ridiculous proposals for spending the public's money. Indeed, I have given well over 100 Golden Fleece to various agencies for throwing the public's money away over the past 9 years, but this baby takes the cake. We are asked to spend \$2 billion in 1985 and \$25 billion over the next 5 years just for the research on this program. The program itself will obviously cost hundreds of billions of dollars. Mr. President, there is no way it can work unless the Soviet Union decides to accommodate us by agreeing to limit their offensive missiles so that we can destroy whatever deterrent power their nuclear arsenal now possesses. Does anyone believe the Soviet Union will make President Reagan's Star Wars a big success by agreeing that it will not build the offensive missiles to overcome it?

Mr. President, as a program for defending this country, the Reagan proposal is so ridiculously bad that I cannot believe the President seriously expected to win with it. This program, if carried out, will not defend this country. But it will accomplish something else. It will kill nuclear arms control. It drives a spike right through the heart of any basis for United States-Soviet agreement on limiting offensive missiles. It leaves nuclear arms control dead. Far more is riding on whether or not the Congress agrees to fund this antiballistic missile system than a disagreement on nuclear weapons policy. If the Congress goes ahead, nuclear arms control will be dead for a very long time. There would be no way the Russians could agree to it—not ever. Mr. President, I ask unanimous consent that the editorial to which I referred from the May 7, 1984, issue of Time magazine be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Time, May 7, 1984]

THE CASE AGAINST STAR WARS WEAPONS
(By Strobe Talbott)

The esoteric yet immensely important national debate over how to avoid nuclear war has suddenly been focused like a laser beam

on one issue: Should the U.S. develop and deploy a space-based system for defending itself against Soviet missiles so as to deter Moscow from ever contemplating such an attack?

Slightly more than a year ago, President Reagan surprised the nation, and many experts in his own Government as well, by calling for an all-out program, along the lines of the Manhattan Project, which developed the atom bomb, to build a defense system in space. He envisioned a network of orbiting sensors that would detect a Soviet attack as soon as it was launched, then trigger giant remote-control ray guns that would destroy attacking rockets or their warheads before they could do any damage.

The idea had been planted in Reagan's mind by his friend and frequent adviser Edward Teller, the Hungarian-born superhawk, often described as the father of the hydrogen bomb, whose bold and controversial ideas have occasionally led some of his fellow physicists to moan, "E.T., go home." Teller's brainstorm became Reagan's dream, and the dream became national policy. In a speech in March 1983, the President asked, "What if free people could live secure in the knowledge that . . . we could intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies?" In December, with no fanfare, Reagan approved \$26 billion over the next five years for research into a Strategic Defense Initiative.

Last week the program came under close scrutiny by two high-level groups on Capitol Hill, and it was found wanting. The Congressional Office of Technology Assessment released an extremely negative report warning that a comprehensive antiballistic-missile system was so unpromising "that it should not serve as the basis of public expectation or national policy." At the same time, the Senate Foreign Relations Committee subjected five Administration witnesses, including the President's science adviser, George Keyworth, and the newly designated director of the program, Lieut. General James Abrahamson, to withering skepticism. Among the doubters were moderates like John Glenn as well as liberals like Massachusetts Democrat Paul Tsongas.

Lest there be any doubt that the issue will figure in the presidential campaign, Democratic Front Runner Walter Mondale last week denounced the plan as "dangerously destabilizing" and called for a freeze on military uses of space. The Democrats believe that the President's embrace of antimissile weapons will fan fears that he is a trigger-happy nuclear cowboy.

That charge is not only unfair—it misses the point that there are substantially more legitimate doubts about the wisdom of this policy in particular and about the President's approach to complicated national security issues in general. Reagan has often been drawn instinctively to simplistic, gimmicky solutions to problems that entail layers upon layers of historical background and technical complexity. Reagan's early fascination with supply-side economics in its least sophisticated form and his advocacy of a two-China policy are but two examples. He abandoned both during the crash course in realism that comes with being President. But he has clung more stubbornly to the idea of space-based defenses. He has done so for reasons that are as straightforward and sincere as they are wrongheaded.

In his March 1983 speech unveiling the scheme, he said he hoped the U.S. could erect an umbrella of impenetrable antimis-

sile defenses over itself and its allies. By thus rendering an attacker's weapons impotent, the U.S. would not have to count on ballistic missiles and bombers to deter Soviet aggression or to retaliate against an attack. No longer would "crisis stability" between the superpowers have to be enshrined in a suicide pact.

In Reagan's view, the scenario for World War III would become more like an arcade video game and less like a prime-time apocalypse. Instead of mushroom clouds springing up from charred landscapes and families being vaporized in their backyards or dying slow deaths from radiation sickness, the imagery would feature unmanned enemy projectiles being zapped and disintegrating high above the earth; the planet and its population would remain out of harm's way.

What is more, the U.S. would be able to protect itself without the threat of committing mass murder. Like Darth Vader spinning helplessly but harmlessly away from the doomed Death Star in his crippled TIE Fighter, the Soviets would be mightily frustrated in their losing battle with American ingenuity, but they would not be incinerated.

Best of all, the Soviets would probably not do anything as foolish as start a fight. If they were to do so, however, they would probably not come back to fight another day: realizing the futility of their earth-based spears against the new, space-based American shield, the Soviets might set down, or at least phase out, their missiles and other weapons of aggression. Following the American example, they too would shift to defense rather than retaliation. The world would be a safer place. Reagan has even suggested that the U.S. might some day share its defensive technology with the Soviet Union.

Critics quickly dubbed the Strategic Defense Initiative "Star Wars." That sobriquet suggested a fantasy—not just a dream, but a pipedream, and a potentially perilous one at that.

The case against Star Wars rests on a cluster of mutually reinforcing arguments. Strictly on technical grounds, experts all across the ideological spectrum doubt that space-based ray guns would work well enough to vindicate Reagan's vision. To provide the sort of blanket protection the President and Teller originally had in mind, the system would have to offer a 100% guarantee (an untested guarantee at that) of intercepting and disarming an entire huge barrage of Soviet warheads. If even a tiny percentage of the warheads "leaked" through, the devastation in the U.S. would be horrendous, and the American leadership would very likely feel compelled to order a retaliatory strike with whatever remained of its offensive arsenal.

After a year of study and refinement in the Executive Branch, the Strategic Defense Initiative now implicitly accepts the impracticality of a leakproof umbrella. Instead it adopts the somewhat more modest "interim" goal of "enhancing," rather than replacing, deterrence based on offensive weapons. The idea is that Soviet plans for an attack would be further complicated by even an imperfect American defense.

The President's program remains, however, a radical, unilateral American departure from the rules that have governed the strategic competition between the superpowers for two decades. As seen from Moscow, it is bound to look like an attempt to create an invulnerable sanctuary from which the U.S. can attack the Soviet Union with impunity.

American leaders insist, of course, that they would never consider such a thing, but the Soviets will not believe such protestations. Instead, they will see the U.S. indulging in a deadly combination of ambitions—better offense, better defense—that the Soviets are sure to try to match.

It has long been part of the dogma of the nuclear age that the best defense is a good offense. That is what deterrence is all about: the other side is less likely to attack if its leaders know they will prompt a vastly destructive counterattack. A corollary to the dogma of "offense-dominated" deterrence is that there is nothing more provocative and destabilizing than a strategic defense. The more one superpower tries to protect itself against attack, the more the other side will try to improve its offensive weapons to be sure it can overwhelm and thwart those defenses. Thus a defensive arms race will exacerbate and accelerate the offensive one, with the advantage always remaining with the offense.

The classic example of how this dynamic has worked in practice can be seen in an insidious interaction between two high-tech systems: today's ultimate offensive weapons, multiple independently targetable re-entry vehicles or MIRVs, and yesterday's misconceived defensive weapons antiballistic missiles, or ABMs.

The Soviets erected a primitive ABM defense around Moscow in the '60s. Like Ronald Reagan today, the Kremlin leaders of 20 years ago believed it was a matter of common sense and irreproachable civic responsibility to do whatever they could to protect their country from nuclear attack. "A defensive system that prevents attack is not a cause of the arms race," said the late Soviet Premier Alexei Kosygin in 1967. It took former Defense Secretary Robert McNamara and other officials of the Johnson Administration hours of arduous discussion to persuade Kosygin and his comrades that they were wrong, and that an ABM race would only intensify efforts to create even more destructive weapons. The U.S., in any case, had an ABM system of its own. It also had an incipient MIRV program that would allow it to penetrate, or beat, any Soviet ABM network simply by hurling more warheads (and decoys) at the U.S.S.R. than the Soviets had interceptors.

Shortly after coming into office, Richard Nixon said, "Although every instinct motivates me to provide the American people with complete protection against a major nuclear attack, it is not now within our power to do so . . . And it might look to an opponent like the prelude to an offensive strategy threatening the Soviet deterrent." Nixon was aware of the paradox that Reagan has overlooked: one side's quest for safety can heighten the other side's insecurity. By 1972 the Soviets had accepted the logic of the American position and agreed, in the Strategic Arms Limitation Talks (SALT), to severe restrictions on ABMs. But if one lane of the arms race was thus closed down, another stayed wide open when the U.S. passed up a chance to negotiate limits or a ban on MIRVs. Why? Primarily because MIRVs, with their microcomputers and other prodigies of Yankee electronic wizardry, were then seen to be an area of permanent American technological superiority, an ace not to be discarded in the nuclear poker game.

Within a few years, however, the Soviets not only had mastered MIRVing but in some areas were outdoing the U.S. at it. With their Hydraheaded monster rockets,

they were able to pull sharply ahead of the U.S. in the land-based MIRV race. It is partly to compensate for that imbalance that Reagan finds Star Wars appealing. But the risks are daunting. One is that the ABM race that was called off a dozen years ago might resume with a vengeance, only this time utilizing space-based death rays and satellite killers in addition to ground-launched antimissile interceptors. The Soviets are poised on the starting blocks for such a race themselves. They have been experimenting vigorously with directed high-energy weapons.

Even if the U.S. were able to perfect and monopolize space-based defensive weapons capable of neutralizing the entire Soviet arsenal, these American wonder weapons might still eventually prove to be sitting ducks for pre-emptive attack by Soviet antisatellite (ASAT) devices. So far the Soviets have been experimenting only with rather cumbersome ground-launched satellite killers that can strike at relatively low altitudes; the U.S., meanwhile, has a more sophisticated, versatile and effective aircraft-launched weapon in the works. But it would be unrealistic to assume that an American lead in ASAT would prove any more permanent than the one the U.S. enjoyed in MIRVs twelve years ago.

The Kremlin has professed a willingness to stop the ASAT race before it begins. Thirteen months ago, the late Yuri Andropov called for an international ban on space weapons, and last August he declared a unilateral moratorium on Soviet launches of antisatellite weapons. While there is good reason to be wary of Soviets bearing disarmament initiatives, there is no reason for refusing to probe them further. Yet the Reagan Administration dismissed Soviet ASAT feelers out of hand. It did so partly because of its shortsighted and amnesiac confidence in the superiority of American high tech, and partly because of its deep-seated distaste for arms control of any kind.

No program of strategic defense should be launched unless a comprehensive arms-control program that places sharp limits on offensive weapons is established first. That way, strategic defense might conceivably serve as a useful back-up to traditional deterrence, an extra insurance against war breaking out by accident (a space-based American death ray might knock out an errant Soviet missile, for instance, without necessarily touching off a full-scale Soviet attack) or against war being started by a reckless newcomer to the nuclear-weapons club.

But the current situation could not be less propitious, or the dilemma more obvious. It was articulated clearly by a top Administration military scientist, Richard DeLauer, Under Secretary of Defense for Research and Engineering, about six weeks after Reagan's original Star Wars speech. The proposed defensive system, said DeLauer, could be overcome by Soviet offensive weapons unless it was coupled with substantial controls on offensive arms. "With unconstrained proliferation" of Soviet warheads, he added, "no defensive system will work."

Yet offensive arms control is dead in the water. The Administration's proposals in the Strategic Arms Reduction Talks in 1982-83 were transparently nonnegotiable because they required drastic, one-sided cuts in Soviet forces. To make matters worse, the Soviets walked out of those talks last year. As of now, the Administration has no unified plan for resuming negotiations, much less achieving an agreement. Star Wars

itself jeopardizes what little is left of arms control. Despite Administration disclaimers to the contrary, an all-out Strategic Defense Initiative would surely bring the U.S. into violation of the nuclear-arms-control agreements still formally in force with the U.S.S.R., including the ABM treaty concluded as part of SALT I.

Meanwhile offensive weapons are proliferating on both sides, and the prospect for limits any time soon, to say nothing of reductions, is bleak. That makes today the worst possible time for the superpowers to carry their competition into space—or even to threaten to do so.

HELP THE SAKHAROVs

Mr. PROXMIRE. Mr. President tonight, Home Box Office will air "Sakharov," a movie dramatizing the life of Soviet dissident Andrei Sakharov and his wife, Yelena Bonner. The recent hunger strike by Dr. Sakharov has prompted various actions on their behalf. Originally, HBO planned to broadcast this 2-hour docudrama in September, but moved it up in order to bring the Sakharovs' plight to national attention.

"Sakharov" tells the story of the Nobel Peace Prize laureate who is credited with developing the hydrogen bomb for the Soviet Union and who later protested the repression of his country's Government.

In his early years, Dr. Sakharov was honored by Soviet society and enjoyed the privileges that accompanied such stature. And even until 1980, Sakharov was given extraordinary freedom to attack openly the Soviet Government. He would arrive in Moscow in a chauffeured car provided by the Academy of Sciences to hold a press conference criticizing his country's human rights violations.

Such press conferences were unprecedented in Soviet history.

Gradually, however, the Soviet authorities became frustrated and began to take action. But how were the authorities to contend with a man who had been a three-time winner of the Soviets' most distinguished honor, the hero of the Soviet Union?

In 1980, Dr. Sakharov's contacts in Moscow with Western correspondents were cut off. Currently, the Sakharovs are detained within the closed city of Gorky in internal exile. Since May 2, Dr. Sakharov has been on a hunger strike to obtain medical help overseas for his ailing wife.

Recently the Kremlin claimed that the brave couple is just fine, but no one knows for sure. Unconfirmed reports have circulated that Sakharov has died. And no one knows the condition of his wife.

The timing of tonight's movie is important. This film hopefully will generate and focus protests and appeals—perhaps in time to help the Sakharovs. HBO is to be commended for rearranging its schedule to inform millions of

Americans of human rights violations in the Soviet Union.

Perhaps, tonight's show will be convincing and impassioned enough to bring further pressure to bear on the Soviet Union to treat the Sakharovs more decently.

Perhaps, tonight's show will convince my colleagues in the Senate that conditions such as these, while not acts of genocide in themselves, can nevertheless pave the way to genocide.

Perhaps, tonight's show will enlighten my colleagues as to the importance of the Genocide Treaty.

Mr. President, the Senate should act as courageously as the Sakharovs have and ratify the Genocide Convention.

Mr. President, I yield the remainder of my time to the Senator from Illinois if he wants to use it.

Mr. DIXON. I thank my dear friend from Wisconsin very much for that courtesy. I should like to use his time, so much as remains, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE JOINT RESOLUTION 492 HELD HOSTAGE

Mr. DIXON. Mr. President, my friend, the minority leader, has been kind enough this morning to once again direct the attention of this body to the problem we have with respect to House Joint Resolution 492, the conference report on the urgent supplemental appropriations bill that has been on the calendar for some time. I very much appreciate his doing that. He has been a great and conscientious leader in connection with this issue and I am indebted to him.

I appreciate everything that the majority leader has done on this issue, Mr. President. He has been a great friend in his attempts to bring this matter to the attention of the President, the urgent nature of it, and the importance of the matters pending on that urgent supplemental conference report.

Mr. President, I ask unanimous consent to place in today's CONGRESSIONAL RECORD, the editorial entitled "Budget Hostages" from the Washington Post on June 20.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BUDGET HOSTAGES

Every year, along about summer, Congress seizes a group of innocent bystanders and holds them hostage to some controversial measure. This year's hostages include hundreds of thousands of pregnant women, newborn infants and unemployed youths. The money needed to help them is tied up in an "urgent supplemental appropriation" stalled in the Senate over the issue of aid to Nicaraguan contras.

Senate leaders, under strong pressure from the White House, have been reluctant to go along with House demands that the Contras aid be cut from the money measure.

If the stalemate isn't resolved before Congress recesses at the end of next week, several unfortunate things will occur. Mayors and governors will have to drop about 100,000 low-income youths from the summer jobs programs that are just about to get started. Clinics providing special supplemental food to about 3 million high-risk pregnant women and newborns will have to shut down early next month. And many needy children in other special nutrition programs will be cut off from aid.

Each fall, in recent years, Congress has set itself up for this summertime blackmail when it votes appropriations for the following year. The play goes as follows. The administration requests a budget calling for sharp cuts in popular programs such as summer jobs for youth and nutrition programs for children. (This may be done outright or by deliberately underestimating the likely costs of the programs.) Nobody in charge in either party thinks the called-for cuts are politically feasible or desirable. But nobody has any good ideas about alternative cuts. And nobody, most assuredly, wants to admit that federal spending—and hence federal deficits—are even higher than the officially recognized totals. So the appropriations committees simply write in the lower numbers the president says he wants and tell him to come back in the spring for more when the money runs out.

This is, of course, a very bad way to run a government. It means that many innocent—and needy—bystanders are put at considerable risk. And it also means that neither Congress nor the administration has to face up to the real cost of the programs that they know they want to fund. Senate Majority Leader Howard Baker has indicated that, one way or another, he plans to release this summer's hostages. He needs also—along with House leaders—to make sure that this year's appropriations don't set the stage for a replay of the hostage game next year.

Mr. DIXON. Mr. President, the Washington Post suggests in this editorial the mistaken position of the administration in attempting to hold all of the provisions of the conference report on House Joint Resolution 492 hostage to the \$21 million in covert assistance to Nicaragua. I say to my friends in the Senate that I voted for the \$21 million in covert assistance for Nicaragua and the night before last, I opposed an attempt by my friend, the senior Senator from Hawaii, to reduce those funds to \$6 million and to cut off the funds for covert assistance to Nicaragua while compensating relatives of the Contras there.

However, I think it should be noted here that there are major matters of concern in House Joint Resolution 492, and I hope my friends who may be listening on the squawkbox, wherever they may be throughout the building in which Senators hold forth in their offices, would know this.

Let us talk about some of those items—not just the summer youth employment program. I am very much concerned about that. There is \$100 million in here for summer youth employment, for young people in Amer-

ica, which I introduced and was passed on April 5.

Incidentally, school is out all over America in most places, and these unemployed youth in the major cities in America are standing around on street corners waiting to go to work, while the administration continues to suggest that that program should be held hostage to the assistance for the Contras. But let us talk about some other things.

There is \$60 million in here for Public Law 480 money available until March 31, 1985, to meet emergency food needs in 18 African countries due to severe drought. While this still is being held hostage, folks in Africa, where they have had severe droughts, are hungry. That is in this bill, Mr. President.

There is \$545 million in this bill for child nutrition programs, programs to take care of the food needs of little children in this country—\$545 million for the nutritional needs of little children in this country is being held hostage. That money is going to run out. I want my friends on both sides of the aisle to know that that money is going to run out the first week in July, and we are here on June 20 playing chicken with this legislation.

There is \$300 million for WIC, for feeding programs and nutritional programs for women, infants, and children, which will run out the first week in July. I want my friends on both sides of the aisle to know that.

There is money in here for a variety of other things. Let me tell my friends who represent States with a great many rural and agricultural interests—as does this Senator—that there is \$1.610 billion for rural housing insurance for low-income borrowers, and \$690 million for very low-income borrowers.

Do you care about drug traffic in America? In this bill is \$25 million to purchase up to eight interceptor aircraft and other drug interdiction equipment to keep filthy narcotics from coming into this country to rob the minds of our youth.

All of that is being held hostage, Mr. President, in this legislation.

So I just want the President and my colleagues in the Senate to know that when this matter, House Joint Resolution 492, comes up next Monday, this Senator will move that we recede from our item in disagreement with the House, the \$21 million in covert assistance for the Contras in Nicaragua. I want to make that clear to my colleagues, because it is the only way we will obtain this legislation in time for the summer youth employment programs in America, the nutritional programs for the feeding of our infants and mothers in this country, to answer the needs of hungry folks in Africa who are suffering through the worst

drought in many decades in that impoverished area.

I am sorry we are going to do this on a Monday. I hope that my friends and colleagues will hear the sound of my voice and will come here next Monday, a day when our attendance is notoriously rather small from time to time, because I think this is a fundamentally important issue.

I hope that every Member of the Senate will rise above party and think of this great country of ours and cast his or her vote with the sense of responsibility and integrity of purpose that every Senator always should employ.

I say to my friends in the Senate that we should send this conference report back to the House, concurring in all the 22 items in agreement, or in technical disagreement, and dropping the one item of disagreement, the \$21 million in covert assistance to Nicaragua.

I have talked to many Members of the House, and there are none who believe there is any possibility that these funds can survive and that this legislation can survive if the 22 items of importance to the country are held hostage to that covert assistance question.

Mr. President, I think the minority leader for the interest he has shown in this matter. I thank the majority leader. He is a fine man, a considerate and fair man, who has bent over backward to accommodate this Senator. But the administration is in error in persisting in trying to hold this hostage to that one question, which we have thoroughly debated here.

I put the Senate on notice that next Monday, we will urgently request our colleagues to do the right thing, the responsible thing, to pass this measure without the item of disagreement that cannot possibly survive in the hands of the House.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business until 11:45 a.m., with statements therein limited to 2 minutes each.

SOVIET STRATEGIC ARMS LIMITATION TREATY VIOLATIONS

Mr. SYMMS. Mr. President, today we live in a very dangerous world. The Soviet Union is violating every major arms control agreement in force today.

These Soviet arms control violations have paid very handsome dividends for the Soviets. They have allowed the Soviets to gain overall strategic superiority in both offensive and defensive capabilities. In fact, according to Defense Secretary Weinberger, the Soviets "have stepped up their own strategic modernization program."

Using only the Strategic Arms Limitation Treaty [SALT] counting rules, the Soviets now have an overwhelming 6-to-1 strategic offensive superiority over the United States, a true first-strike potential so long feared by our strategists. The Soviets are 10 years ahead of the United States in strategic offensive capabilities. This Soviet first-strike potential grows evermore ominous each year, and its utility for political blackmail and intimidation is even more apparent. The Soviet advantages derived from their SALT cheating are even greater. The Soviet first-strike capability throws an ever darkening shadow over all the world's politics, and is a direct result of the Soviet violations of the Strategic Arms Limitation Treaty [SALT].

And now we have recent revelations from defense officials that the Soviet Union is also 10 years ahead of the United States in defensive antiballistic missile capability, and may in just a year's time be able to defend over one-third—a significant proportion—of both its population and offensive forces from the U.S. retaliatory deterrent. The Soviets may also at any time launch the first laser antiballistic missile battle station into space, where they already have had an operational antisatellite capability for over a decade.

These Soviet offensive and defensive advantages threaten the credibility of the U.S. retaliatory deterrent, which has preserved the world's peace for 38 years. If the Soviets can threaten a devastating first strike, and then also threaten to defend against a significant part of the U.S. retaliatory response, deterrence is gravely weakened. Peace could be in jeopardy, and the United States is not only vulnerable to Soviet first strike, but more importantly, because of this vulnerability we are increasingly subject to Soviet attempts at intimidation through nuclear blackmail.

President Reagan stated in a press conference on March 31, 1982:

The Soviet Union does have a definite margin of superiority—enough so that there is risk, and that is what I have called a window of vulnerability.

President Reagan also stated on March 23, 1983:

The Soviets . . . have enough accurate and powerful nuclear weapons to destroy virtually all of our missiles on the ground.

President Reagan then added that the Soviets have a " . . . present margin of superiority."

The Soviet Defense Minister, the late Marshal Grechko, stated openly as long ago as March 1975:

The correlation of forces [i.e., the strategic nuclear balance] has changed in favor of socialism and to the detriment of imperialism.

A Soviet military journal, "Red Star" stated threateningly in January 1980.

With respect to the military balance, the correlation of forces has shifted, once and for all and irrevocably.

As the Joint Chiefs of Staff conceded ominously in their military posture statement to Congress for fiscal year 1985:

The Soviets have now developed strategic offensive and defensive capabilities that erode the credibility of the U.S. deterrent and increase the risk that Soviet leaders would consider launching a surprise nuclear attack. (Italic added.)

The JCS concedes that "the Soviets hold a distinct advantage in terms of total numbers of strategic offensive forces," and that "Soviet strategic forces are more effective than those of the United States." The JCS have also conceded that the Soviets have a "survivable superior offensive capability."

The U.S. Air Force has stated officially to Congress that there is "a destabilizing imbalance between U.S. and Soviet strategic forces."

Defense Secretary Weinberger stated to the Senate on May 24, 1984:

The Soviet military buildup, both quantitative and qualitative, has produced a major shift in the nuclear and conventional balance.

Secretary of State Shultz stated on May 14, 1984: "Arms control will simply not survive in conditions of inequality."

America's strategic decline has not even bottomed out yet. Our military leaders have been telling us for several years that even after all our currently planned strategic offensive modernization programs are deployed by 1990, we will still not be able to regain strategic offensive parity with the Soviets, and this assumes that Congress will fund them. Thus we are over 10 years behind the Soviets in strategic offensive capability. If we are also 10 years behind in ABM's and space lasers and antisatellites as well, then it is an urgent national security priority to bolster deterrence and to quickly acquire defenses.

The role of the false doctrine of arms control in speeding and assuring the U.S. strategic decline needs at long last to be carefully examined. The historical evidence indicates that arms control has been used as an instrument in the Soviet game plan for strategic supremacy. As President Reagan has pointed out, our strategic nuclear megatonnage is now only one-quarter of what it was in 1965, and the number of U.S. nuclear warheads has declined by one-third of what it was in 1965. Arms control has unilaterally restrained U.S. strategic programs, while allowing all Soviet strategic programs to progress unhindered. In a real sense, arms control has been an enormous Soviet strategic deception, and a very successful deception indeed. In

contrast, the Joint Chiefs of Staff have stated that "The Soviets have increased their strategic warheads more than threefold since 1973."

Actually, Soviet warheads have increased over fourfold since 1973. The April 1984 edition of the DOD's Soviet Military Power also states that "with the [Soviet] deployment of new nuclear weapons systems their stockpile megatonnage has again started to rise."

Mr. President, the relentless momentum of the Soviet strategic nuclear weapons buildup, which started before 1962, is destined to continue into the 1990's and beyond. This Soviet strategic buildup, unprecedented in history, has not been constrained by existing strategic arms limitation treaties. The Defense Department has testified to Congress recently that "this Soviet buildup of strategic nuclear forces shows no sign of slowing." The Defense Department added that "we see no letup in the rate of deployment of Soviet [strategic] systems over the next 10 years."

As Dr. Eugene Rostow, former Reagan administration Arms Control Director, has written about the first SALT agreements of 1972 and the decade of the 1970's culminating in SALT II in 1979:

The SALT I Agreements and the process of negotiating SALT II did not prevent the worst decade of the Cold War or the extraordinary build-up of the Soviet nuclear arsenal.

And Dr. Richard DeLauer, Under Secretary of Defense for Research and Development in the Reagan Defense Department, has testified to Congress:

The Soviets in fact never slowed or even perturbed their strategic development and deployment programs in spite of détente, active arms control negotiations, or the SALT Agreements.

Mr. President, Assistant Secretary of Defense Perle recently testified to Congress that there has been almost a 75-percent increase in Soviet nuclear warheads aimed at the United States since the SALT II Treaty was signed in 1979. Perle added that the Soviets have deployed 3,850 ballistic missile warheads since 1979, and this does not even count refines. This means that the Soviets have almost doubled their nuclear warheads aimed at us since former President Carter's SALT II Treaty was signed.

Using only SALT counting rules, the Soviets now have over 895 more strategic nuclear delivery vehicles than the United States and over 1,000 more warheads than the United States. And this does not even count the effects of their SALT violations. The strategic impact of their SALT violations gives the Soviets a force an order of magnitude larger. The Soviets also have over 30 strategic offensive programs under development for future deployment. Thus SALT II did not stabilize the

strategic balance. It did just the opposite.

But in stark contrast, since 1980, the Reagan administration has gone in just the opposite direction from the Soviets. The Reagan administration has unilaterally deactivated over 292 strategic delivery vehicles carrying over 500 warheads counted in the SALT II Treaty. The United States has thus deactivated gratuitously over 33 percent of existing American strategic megatonnage.

Indeed, the Reagan administration plans to continue these unilateral deactivations in unilateral U.S. compliance with the unratified SALT II Treaty by dismantling two Poseidon submarines carrying 32 SLBM's and 320 warheads, and 90 B-52G's carrying over 1,000 air-launched cruise missiles. The Reagan administration has also significantly reduced the MX ICBM program and the B-1B bomber program, by one-half and two-thirds, respectively, below previously planned deployment levels. And the Reagan administration plans to completely cancel the only two U.S. strategic offensive systems now being produced for operational deployment the ALCM-B and the Trident I SLBM. This Reagan strategic cutback is part of a larger trend in declining U.S. strategic capability. As I have noted, since 1965, the number of U.S. strategic nuclear warheads has declined by one-third, and their megatonnage by three-quarters. Thus the United States has been exercising unilateral restraint for almost 20 years.

A top Reagan defense official recently stated to the Senate that:

The President's Strategic Modernization Program won't match the Soviet buildup that first became visible twelve years ago after we signed the SALT I agreements. (Emphasis added.)

This statement seems to mean that even President Reagan has conceded strategic superiority to the Soviets after 1990.

The Secretary of Defense stated to Senators on April 5, 1984, that he is "deeply concerned" about the military implications of the Soviet SALT violations. He added that "Far more serious are the implications for the overall defense posture of the United States relative to that of the Soviet Union." Caspar Weinberger was thus likewise implying that Soviet SALT violations are another sign that the United States has conceded strategic superiority to the Soviets. This conclusion is strengthened by Weinberger's added judgment that:

... Some possible outcomes of an effective [Soviet] ABM system or a new mobile ICBM could provide the Soviets with a decisive edge in strategic offensive and defensive capabilities. (Emphasis added.)

This statement suggests also that the developing Soviet strategic superi-

ority will soon be "decisive," because the Soviets are indeed developing an effective ABM and a new mobile ICBM both of which will be operational before the late 1980's.

As a top Nixon administration arms control official wrote as long ago as 1971:

If, after a reasonable period, SALT negotiations prove *unproductive*, or if the U.S.S.R. resumes land-based ICBM deployments or moves to *modernize or expand* its Moscow ABM system, the United States would take whatever steps are necessary to maintain its strategic deterrent, including possible deployment of a more advanced Hard Site Defense—(HSD defense of land-based ICBMs. (Emphasis added.)

Unfortunately, all these conditions set in 1971 are now being met. Strategic arms treaties and negotiations are broken, the Soviets are deploying land mobile ICBM's, expanding and modernizing their ABM, and yet the United States is doing very little to maintain its strategic deterrent.

As Defense Secretary Weinberger has stated to Congress:

Unilateral Soviet deployment of an advanced system capable of countering Western ballistic missiles—added to the Soviets' already impressive air and other defense capabilities—would have major, adverse consequences for deterrent stability and for the security of the United States and its allies.

Juxtaposed against this ominous statement are the following judgments for the April 1984 edition of the DOD's Soviet Military Power:

The U.S.S.R. has an improving potential for large-scale deployment of modernized ABM defenses *well beyond* the 100 launcher ABM treaty limits. The Soviets have developed a rapidly deployable ABM system [i.e., the ABM-3] for which sites could be built in *months* instead of years . . . The new, large, phased-array radars under construction in the U.S.S.R. along with the Hen House, Dog House, Cat House, and possibly the Pushkino radars appear to be designed to provide support for such a *widespread* ABM defense system.

. . . The *complete network* [i.e., over 25] of these radars, which could provide target tracking data for ABM deployments beyond Moscow, probably will be operational by the *late 1980s* . . .

. . . Both the SA-10 and SA-X-12 may have the potential to intercept some types of U.S. strategic ballistic missiles as well. [i.e., The mobile version of the SAM-10 will be operational by 1985. The mobile SAM-12 will probably also be operational by 1985.] These systems could, if properly supported, add significant point-target coverage to a *widespread* ABM deployment . . .

. . . The Soviets seem to have placed themselves in a position to field relatively quickly a *nationwide ABM system*, should they decide to do so. (Emphasis added.)

Thus it is fair to conclude, from official testimony, that the Soviets have already seriously eroded the U.S. deterrent capability with their ever-growing ABM capability.

As Drs. Colin Gray and Keith Payne stated in the spring 1984 issue of Foreign Affairs:

A unilateral Soviet BMD System of even limited effectiveness could be highly destabilizing in the context of existing Soviet offensive first-strike capabilities and extensive air defense and civil defense preparations: The U.S. deterrent threat could be severely degraded by the combination of the Soviet first-strike potential to destroy American strategic nuclear forces and a Soviet defense against surviving American forces.

This is the situation today.

Soviet strategic defensive activities were roughly 5 times U.S. outlays in 1970 and increased to 25 times U.S. outlays in 1979.

In effect the ABM treaty provided Soviet SS-18's and SS-19's unimpeded access to U.S. ICBM silos.

As Senator TOWER, chairman of the Senate Republican Policy Committee and the Senate Committee on Armed Services stated on April 3, 1984:

The military *imbalance* between the U.S. and the Soviet Union still exists as a threat to our national security. Although significant progress has been made in the last three years to *regain* military *parity* with the Soviet Union, congressionally mandated *reductions* in the President's defense plan have seriously impaired efforts to achieve this goal. In fact, the current *imbalance* will continue to *widen*, though at a lesser rate. (Emphasis added.)

As the Scowcroft Commission report to President Reagan on strategic forces stated in April 1983: " . . . effective deterrence is in no small measure a question of the Soviets' perception of our national will and cohesion."

President Reagan himself has on two occasions in 1982 and 1983 publicly and explicitly accused the Soviet Union of violating the 1962 Kennedy-Khrushchev agreement which ended the Cuban missile crisis, the most dangerous nuclear crisis in world history.

This agreement was supposed to "halt further introduction of such weapons systems—that is, Soviet offensive missiles and other offensive weapons, which Khrushchev even defined as including Soviet troops—into Cuba "as firm undertakings" on the part of both the United States and the Soviet governments.

President Reagan stated at a press conference in May, 1982:

You know, there's been other things we think are violations also of the 1962 agreement.

There is conclusive physical evidence of Soviet military activity in Cuba in violation of the Kennedy-Khrushchev agreement.

THE SOVIET SALT VIOLATIONS AND CUBA

Mr. President, I would like to discuss today the full spectrum of Soviet violations of arms control agreements. As my colleagues know, I have been concerned about Soviet arms control violations and their implications for American national security since 1982. Our distinguished colleague, Senator JIM McCURE, made his first speech on this problem back in 1975. Senator

McCURE successfully sponsored an amendment in 1977 designed to prevent extended U.S. compliance with the expired SALT I interim agreement from hindering our strategic options, and both Senator McCURE and I have been leading opponents of the unequal and destabilizing SALT II Treaty.

Mr. President, while Soviet SALT violations are dangerous, this danger is overshadowed by another even more ominous development. The Soviets are deploying nuclear weapons delivery capable offensive systems to Cuba, such as TU-95 Bear bombers Mig-27 Flogger fighter-bombers, and strategic submarines like the Victor III class reported to be equipped with long-range cruise missiles. The Soviets also have nuclear warhead storage facilities in Cuba, and the United States is reportedly unable to rule out the presence of Soviet nuclear weapons themselves in Cuba.

On September 14, 1983, President Reagan repeated his accusation. He stated:

As far as I'm concerned, that agreement has been abrogated many times by the Soviet Union and Cuba in the bringing of what can only be considered offensive weapons, not defensive, there.

The President's two statements have been backed up by stronger statements by the CIA Director, the Chairman of the Joint Chiefs of Staff, and by an Under Secretary of Defense.

As I said, Mr. President, the Kennedy-Khrushchev agreement was the agreement that ended the Cuban missile crisis, and it can be regarded as an arms control agreement because it ostensibly forbade Soviet offensive missiles and bombers in Cuba and it entailed United Nations onsite inspection against Soviet reintroduction of such weapons. But of course the Castro regime refused to agree to U.N. onsite inspection, and since 1969 many Soviet offensive nuclear delivery capable weapons have been gradually returned to Cuba. Thus the Soviet threat from Cuba is today greater than it was in 1962, as can be inferred from the Soviet activities and President Reagan's statements. This fact suggests that we many soon find ourselves back in a Cuban missile crisis situation, but now we are much weaker than the Soviet Union and the danger may be even greater for U.S. national security interests.

The State Department has stated recently to the Senate that:

The basing of any nuclear-armed submarine in Cuba would *Contravene* the U.S.-U.S.S.R. understanding on Cuba. The Soviets are aware of this. (Emphasis added.)

Thus the State Department must surely consider the acknowledged Soviet basing of Golf and Echo class nuclear armed missile submarines in Cuba in 1970, 1972, 1973, and 1974 to be Soviet violations of the 1962 Ken-

nedy-Khrushchev agreement. The State Department has therefore confirmed Soviet violation of the Kennedy-Khrushchev agreement.

The State Department has also stated recently to the Senate that:

The Department of State does agree with the President and the other officials . . . that the Soviet Union has on occasion violated the spirit of the Kennedy-Khrushchev understanding.

The State Department has also recently conceded that:

All Soviet tactical aircraft in Eastern Europe, including Floggers are rated as potential nuclear delivery systems.

Some top Reagan administration officials are predicting that the Soviet Union will play high risk politics in the year of 1984 prior to the November Presidential election. This prediction, too, suggests another Caribbean crisis, but this time perhaps with the roles reversed. I will return to this problem later, but it is against this ominous background of a nascent Soviet strategic threat from Cuba that we now have confirmation of a whole series of Soviet arms control violations.

Mr. President, after many months of careful study, President Reagan finally reported to Congress on January 23, 1984, that the Soviet Union had violated six arms control treaties in nine different cases.

Mr. President, I ask unanimous consent that the President's letter and report be printed in the RECORD at the end of my speech.

There being no objection, the letter and report were ordered to be printed in the RECORD.

President Reagan stated that five of these nine Soviet arms control treaty violations, including two related to the SALT II Treaty, were clear-cut, unqualified, and unequivocal violations.

The President's "Report To the Congress on Soviet Noncompliance With Arms Control Agreements" stated succinctly:

The U.S. Government has determined that the Soviet Union is violating—

1. The Geneva Protocol on Chemical Weapons;
 2. The Biological Weapons Convention;
 3. The Helsinki Final Act, and two provisions of SALT II;
 4. Telemetry encryption; and
 5. A rule concerning ICBM modernization.
- In addition, we have determined that the Soviet Union has—
6. Almost certainly violated the [SALT II] ABM Treaty;
 7. Probably violated the SALT II limit on new types;
 8. Probably violated the SS-16 deployment prohibition of SALT II; and
 9. Is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty.

To repeat, there have been nine Soviet arms control violations of six treaties confirmed by the President, five of which were conclusive and two of these conclusive violations related

to SALT II. A total of four of the nine violations reported related to SALT II.

The Defense Department has recently stated authoritatively that the Soviets currently have two new types of land-based ICBM's under advanced stages of development, thereby making this another unqualified violation of SALT II, for a total of three unqualified Soviet SALT II violations.

As Under Secretary of Defense Fred Ikle has stated: "It's not alleged cheating, it's cheating—period." And as Governor Reagan stated in 1978, "We know that they—the Soviets—violated the entire spirit and terms of SALT I."

Mr. President, President Reagan's report is historic and unprecedented. It is the first time in history that a U.S. President has ever accused the Soviet Union of a violation of a Strategic Arms Limitation Treaty. It indicates that the Soviets are violating every major arms control treaty in force today. It is an irrevocable report.

Unfortunately, however, it covers only the tip of the iceberg of Soviet arms control and treaty violations. As Assistant Secretary of Defense Richard Perle testified to the Senate on March 14, 1984, the violations in the President's report were illustrative only and he mentioned 20 to 25 additional existing violations.

OTHER SOVIET VIOLATIONS OF INTERNATIONAL SECURITY TREATIES

What is the full scope of Soviet arms control and other treaty violations? It is well known that there are over 40 more Soviet SALT and other arms control treaty violations alone which have not yet been reported on to Congress by the President, but which can be confirmed by other authorities. I will describe each of these later.

In addition, other Reagan administration spokesmen have publicly and authoritatively accused the Soviet Union of violating:

The Yalta Agreement and the Potsdam Agreement of 1945 by suppressing freedom in Eastern Europe;

The United Nations Charter by threatening to invade Poland in 1981;

Various international agreements governing civil aviation by the brutal Soviet shooting down of Korean Airlines flight 007 and the murder of 269 innocent civilians; and

The 1972 Incidents at Sea Agreement during the U.S. attempts to recover the KAL-007 black box.

Indeed, there is strong evidence that the Soviets shot down KAL-007 in order to cover up their planned flight-testing that very night of September 1, 1983, one or more of their new type ICBM's which violate SALT II. And since the KAL-007 shoot-down, the Soviets have reportedly been jamming U.S. national technical means of SALT verification, an altogether new and unprecedented SALT violation. This jamming could bring arms control negotia-

tions to a complete halt, because it is an act of extreme hostility.

Our West German allies have accused the Soviets of violating the United Nations Charter and the 1973 Agreement on the Prevention of War by their brutal invasion of Afghanistan in late 1979. And I believe that the Soviets have violated the 1967 Tlateloco Treaty for the Prohibition of Nuclear Weapons in Latin America, by their deployment of nuclear delivery capability to Cuba.

The Soviet Union has a long history of treaty violations. A study done in 1955 by the Senate Judiciary Committee established the fact that the Soviets had violated over 50 treaties since 1917. I put this study into the RECORD on February 1, 1984. The study even found that the Soviets were violating the very agreement which established United States-Soviet diplomatic relations, the 1933 Litvinov agreement, by continuing to support revolutionary activities inside the United States despite their 1933 pledge to cease this support.

In the latest edition of the Soviet Military Encyclopedia—for 1983, the Soviet military openly states:

Achievements in biology and related sciences (biochemistry, biophysics, molecular biology, genetics, microbiology, and experimental aerobiology) have led to an increase in the effectiveness of biological agents as a means of conducting warfare. Improved methods of obtaining and using them have resulted in a qualitative re-examination of the very concept of biological weapons.

This is an explicit Soviet military recognition of their interest in and knowledge of biological warfare, which is outlawed by the 1972 Biological Warfare Convention.

Official State and Defense Department documents from 1959 and 1962 in turn confirmed the Senate report that the Soviets had violated over 50 treaties since 1917. Most of these Soviet violations were of nonaggression, peace, or friendship treaties. In fact, the only international security agreement that the U.S.S.R. scrupulously abided by was the August 1939 Hitler-Stalin Pact, which allowed the Soviets to conquer Poland, and which led to the outbreak of World War II.

According to official U.S. Government sources, the Soviets have thus violated arms control treaties in over 40 cases, and violated over 50 other international security treaties. In addition there have been over 120 cases of Soviet diplomatic forgeries and deceptions.

With Soviet aid and encouragement, North Vietnam broke the Paris accords on peace in Southeast Asia throughout the 1973-75 period.

The conclusion emerges, Mr. President, from official U.S. Government documentation, that the Soviets have violated, evaded, or circumvented almost every international security

treaty they have signed since 1917. The only security treaty they kept led to World War II. This is a sobering conclusion.

There is also strong evidence that the Soviet Politburo even planned and executed the plot to assassinate Pope John Paul II in June 1981. This plot violated all standards of morality and decency, and was a threat to all mankind. Not even the diabolical mass murderer Adolf Hitler is known to have attacked the person of the Pope.

The evidence of history shows that the Soviet Union is truly an outlaw nation.

The confirmed Soviet violations of the chemical and biological warfare treaties are more than just simple arms control treaty violations. They are genocidal atrocities. Over 10,000 innocent men, women, and children in Southeast and Southwest Asia have died horrible and cruel deaths. All for the sake of Soviet aggression, in violation of other solemn international agreements.

PEACE THROUGH SPACE DEFENSE

Nevertheless, Mr. President, the United States should continue always to seek peaceful relations with the Soviet Union. Surely we must always seek to resolve our differences with the Soviets through peaceful diplomacy and negotiations. We must also always be willing to continue to negotiate arms control agreements with the Soviets, despite the sordid history of their past treaty violations. We must convince the Soviets, however, that arms control negotiations now must first be focused upon ending their violations of existing treaties, before there can be further progress toward any new agreements. This is simple commonsense, and it should be easy for the Soviets and the whole world to understand. Soviet deception, treachery, and violations should result in some penalties for the Soviets, because these actions have jeopardized American security and threatened world peace.

Mr. President, if arms control treaties have been ineffective in reducing the risk of nuclear war, and if Soviet SALT violations are increasing the risk of nuclear war, what other alternatives to preserve peace are available to us? After we detect Soviet arms control treaty violations, what should we do?

I believe that a space based, layered antiballistic missile defense is the best way to reduce the risk of nuclear war. The United States can unilaterally deploy strategic defenses in space, and these U.S. ABM defenses in space are not necessarily a threat to the Soviet Union. Strategic defenses are non-threatening, nonprovocative, and could even use nonnuclear technology. This response to Soviet arms control cheating could be made independently of arms control. An American space

based antiballistic missile defense could make the Soviet strategic offensive capability, so laboriously built up over the years, totally obsolete. I will have more to say about strategic defenses later this year.

SOVIET SALT VIOLATIONS PLANNED 12 YEARS AGO

Mr. President, in light of the confirmed Soviet violations, it is fair to conclude that arms control has been a traditional Soviet tactic used to disarm opponents by misleading them regarding Soviet intentions. This has been especially noticeable, to those who are to see, in the modern age where the technological lead times can be traced backward to show that Soviet agreement to arms control treaties were only deliberate acts of deception, undertaken with plans to violate or abrogate the treaties even before the treaties were made final.

There are many clear examples strongly supporting this conclusion. These include the 1958 nuclear test moratorium, the 1972 SALT I interim agreement and ABM Treaty, the 1972 Biological Weapons Convention, and the 1979 SALT II Treaty.

The Soviet violations or abrogations that were planned at the very time the treaties were signed include:

The massive breakout of the 1958 nuclear test moratorium in August 1961 with the largest, most extensive nuclear test series ever conducted;

The deployment of the SS-19 ICBM in violation of the 1972 SALT I interim agreement;

The testing in an ABM mode of the SAM-5, SAM-10, and SAM-12 systems in violation of the 1972 SALT I ABM Treaty;

The deployment of a comprehensive and coordinated pattern of ABM battle management radars;

The continued development, manufacture, and stockpiling of both toxic and biological weapons;

The encryption of all essential missile test data;

And the testing and deployment of two disallowed ICBM's.

In all of these cases, the violations or abrogations were planned by the Soviets at the time they signed the treaty. The treaties can thus only be regarded as deceptions designed and used by the Soviets to gain unilateral advantage.

The Soviets signed the SALT I Interim Agreement on Strategic Offensive Weapons and the SALT I Anti-Ballistic Missile Treaty on May 26, 1972. These two agreements are linked together in their preambles and in their internal provisions.

Only now, 14 years later, can we finally begin to understand what the Soviet leaders intended in agreeing to sign the SALT I agreements. There are two types of evidence of Soviet intentions in signing the SALT I agreements. We can first trace their actual

behavior as observed in their offensive and defensive strategic programs. From the patterns of their behavior, we can infer the intentions of the Soviet leadership in signing the SALT I Agreements. Second, we have very unusual and dramatic direct evidence of the Soviet leadership's intentions in signing SALT I.

In early 1973, the Soviets began flight testing their new ICBM, the SS-19. It took the United States until early 1975 to determine with confidence that the SS-19 was regarded by the Soviets to be a heavy ICBM, and that the Soviets intended their heavy SS-19 to replace 360 light SS-11 ICBM's. This was contrary to article II of the SALT I Interim Agreement, which prohibited heavy ICBM's from replacing light ICBM's. Thus we can infer from the history of the Soviet heavy SS-19 program that the Soviet leaders intended to violate the SALT I Interim Agreement from the very date of its signing in 1972.

Also in early 1973, the Soviets began constructing the first of what became a total of six large antiballistic missile battle management radars. These six large radars, each the size of two Egyptian pyramids, form an integral, coherent pattern. Five of the six are on the periphery of the U.S.S.R. and point outward. But the sixth radar, discovered well along in construction only last July, is in the middle of Siberia and points inward toward the Pacific coasts of Russia. These six large radars are part of one integral pattern, because their radar coverage cones converge and close all but one gap in coverage—this one gap is from the Mediterranean Sea. Thus when looking at these six large radars, first started in 1973, and now almost completed, we can discern a pattern. No single radar itself makes sense without the others; they are integrally linked, because the radar cones of their coverage overlap.

But the SALT I ABM Treaty specifies in article I, the most important provision, that the Soviets cannot have a nationwide ABM defense, or even the base for a nationwide defense. These six radars clearly provide a base for a nationwide ABM defense, when linked up with AMB-3, SAM-5, SAM-10, and SAM-12 mobile missiles and radars now in mass production and deployment. Moreover, the last of the six radars, the newly discovered Abalakovo or Krasnoyarsk radar, violates article VI of the ABM Treaty, which specifies that all early warning radars must be on the periphery of the U.S.S.R. and pointed outward. This radar is in the interior and pointed inward.

Indeed, a third violation of the SALT I ABM Treaty is entailed by the location of the Krasnoyarsk radar. This is of article III, and the protocol to the ABM Treaty, which allow only

one Soviet ABM site, to defend either the capital or ICBM's. The Krasnoyarsk ABM radar is very near about 200 Soviet ICBM silos, and is ideally suited by its location to control interceptor ABM missiles to defend these ICBM's. Hence this radar is at least a triple violation of the SALT I ABM Treaty. Its orientation, siting, and capabilities each violate the treaty, and the complete pattern of radars suggests that this was planned in 1972, when the treaty was signed.

In addition to the SS-19 and the ABM radar programs, which provide strong inferential evidence of the intentions of Soviet leaders, there is also evidence from now public sensitive intelligence sources. This evidence was first discussed in public in 1976, and Senator McCLEURE mentioned it before himself in his speech on the MX last May 25. I will discuss this evidence in more detail later. But let me summarize this evidence now by simply saying that it clearly shows that the Soviet leaders themselves explicitly planned to violate the fundamental provisions, article II, of the SALT I Interim Agreement by illegally deploying their heavy SS-19 ICBM to replace their light SS-11. In fact, the Soviet leader Brezhnev himself made the decision to violate the SALT I Interim Agreement by deploying the heavy SS-19 just before he actually signed the Interim Agreement and the ABM Treaty on May 26, 1972.

The top level Soviet political decision to violate the ABM Treaty also dates from May 1972, because as I have mentioned, construction on the first of what became a pattern of six or more huge ABM battle management radars was started in 1973. The decision to build the entire network logically also predated the May 1972 Soviet decision to sign the SALT I ABM Treaty.

In addition to the now public sensitive intelligence evidence and the SS-19 and ABM radar deployments supporting this conclusion, the Soviets themselves seemed to confirm this judgment when they openly stated in 1980 that détente began to erode after 1973. The Soviets in fact were telling us that, from the start, to them détente only meant increased competition.

The Defense Department Report to Congress for fiscal year 1985 confirms the above evidence and my conclusion by stating:

Several of these violations must have been planned by Soviet authorities many years ago, in some cases perhaps at the very time the Soviet Union entered into the agreements.

And a top Defense official, Ricard Perle, recently testified to Congress that:

The Soviets have not hesitated to mislead us, deliberately and all too successfully.

Assistant Secretary of Defense Richard Perle testified to the Senate on March 28, 1984 that the Soviet Union deliberately signed the SALT I agreement fully intending to later violate SALT I with weapons giving them a sixfold increase in nuclear warheads aimed at the United States. Perle added that there is a great deal of evidence of the Russians' intent, some of which was obtained through secret intelligence sources.

Perle accused the Soviets of placing loopholes in the SALT I agreements, which they later exploited with weapons that were unknown to the United States at the time of the negotiations. The single most important violation was the development of the giant SS-19 ICBM, which Perle called a very much larger missile than U.S. negotiators believed would be allowed under SALT I. Perle added that we believe they refrained from testing it in the closing months of the negotiations so that we would be unaware of it when we signed the treaty. Immediately after the treaty was signed, we saw the first test of the SS-19.

Perle added that "the Soviets knew there was the loophole in the treaty. We know they knew it. The SS-19 program resulted in an increase by six times in the number of ballistic warheads aimed at the United States."

This Soviet intention to violate SALT I from the outset in 1972 is also confirmed by the following interchange between Senator JIM McCLEURE and the former Chief of Naval Operations at the time of SALT I, Adm. Elmo Zumwalt:

TRANSCRIPT OF QUESTION AND ANSWER SESSION BETWEEN SENATOR McCLEURE AND ADMIRAL ELMO ZUMWALT BEFORE THE DEFENSE APPROPRIATIONS SUBCOMMITTEE, MARCH 28, 1984

MCCLURE. In 1972, you testified on SALT I that if the Soviets deployed a heavy ICBM to replace light ICBMs, this would violate SALT I. Do you believe the Soviets' heavy SS-19 ICBM deployment violated SALT I?

ZUMWALT. I believe that it does. Directly violates SALT I as SALT I was reported and explained to the Congress of the United States during its ratification process, and I believe there was information available to the government at the time, but unknown to the Joint Chiefs of Staff that confirmed that a violation was going to be made.

MCCLURE. That's an interesting comment. I don't want to get diverted too far, but I want to underscore your statement that our government had information that the Joint Chiefs of Staff did not have. Did I understand you correctly?

ZUMWALT. That is correct, Mr. Chairman.

MCCLURE. That, to me, is a separate issue, but not entirely separate, and a very serious charge. Because if our Joint Chiefs can't have all the information we have, how in the world can they make their judgment?

ZUMWALT. This is a matter that, at some point, we will have to go into in classified session.

The seriousness of the Perle statement and Senator McCLEURE's dialog with Admiral Zumwalt is further illus-

trated. As the late distinguished Senator Jackson stated on June 28, 1976, in the Senate Committee on Armed Services: "My interpretation [in 1972] as to what the Soviets could do with the SS-11 has turned out to be absolutely true. [Jackson predicted in 1972 that the Soviets would replace the light SS-11 with a heavy ICBM as large as the SS-19.] And what the understanding was on the part of the President's representatives was contrary to that. And as you know, Secretary Laird has said that it is a complete violation of the understanding that they [the Nixon administration] had * * * We [the Senate] were lied to in SALT I * * * We were lied to by the Secretary, the now Secretary of State Kissinger * * * It turned out that the things we predicted were right * * * Secretary of Defense Melvin Laird has since corroborated it, that they [the Nixon administration] were misled [by the Soviets]."

Thus we can confirm that there is conclusive evidence that the Soviets signed SALT I in 1972 fully intending to violate the agreements. Admiral Zumwalt revealed for the first time that this evidence had been withheld from the Joint Chiefs of Staff in the summer of 1972 until after the JCS had testified in favor of SALT I. In fact, a CIA Inspector General's report of October 1978 confirms this conclusion regarding Kissinger's withholding from the JCS. Finally, the late Senator Jackson has also confirmed that the Senate was "lied to" on SALT I. It is, therefore, reasonable to conclude that the SALT I ABM Treaty and the SALT I interim offensive agreement were ratified and approved under false pretenses. Had the JCS and the Senate been made aware of this key evidence on the Soviet intent to violate SALT I in 1972, SALT I might never have received congressional approval.

But there is more. The Soviets also signed the Biological Warfare Convention in 1972, and there was immediate evidence that their existing biological warfare plants continued to expand, instead of being dismantled, as required by the BW Convention. In fact, some new biological warfare facilities were even constructed after 1972 and after 1975, when the convention was ratified by the United States and the Soviet Union.

Thus there is a pattern of Soviet behavior spanning the two SALT I agreements and the Biological Warfare Convention, all signed in 1972. The evidence indicates clearly and conclusively that in 1972 the Soviet leaders signed these three solemn international arms control treaties fully intending to violate the principal constraints of the treaties from the very outset.

The Soviets likewise knew in 1974 when they signed the Threshold Test Ban Treaty that they were planning to deploy new warheads with yields much larger than 150 kilotons on their new fourth and fifth generation ICBM's. Thus they knew they would have to violate the threshold test ban yield of 150 kilotons. The reason is that also in 1974 the Soviets began developing their new SS-X-24 and SS-X-25 new type ICBM's, both of which eventually would also violate the SALT II Treaty then being negotiated. These new ICBM's are estimated to carry warheads with yields much larger than 150 kilotons.

And as Under Secretary of Defense Richard DeLauer testified to the Senate on March 13, 1984:

Major programs recently deployed or now late in development were generally initiated at the highest levels of Soviet leadership about ten years ago. (Emphasis added.)

This statement confirms that the illegal Soviet SS-X-25 and the illegally encrypted SS-X-24 programs began in 1974 at the direction of Brezhnev and Ustinov and Marshal Ogarkov.

According to the April 1984 third edition of the Defense Department book "Soviet Military Power":

The USSR has stretched the limits and spirit of both the SALT I and SALT II agreements in expanding and modernizing its strategic arsenal.

This confirms the facts that the Soviets have gained significant unilateral advantages from SALT.

Mr. President, it therefore should come as no surprise to us that the Soviets likewise signed the Threshold Test Ban Treaty in 1974, the Helsinki Final Act in 1975, and the SALT II Treaty in 1979, fully intending from the start to violate these solemn arms control treaties, just as they in fact did in the case of the 1972 SALT I interim agreement and ABM Treaty, and the Biological Warfare Convention.

But Sidney Graybeal, former U.S. Commissioner on the SALT Standing Consultative Commission from 1972 to 1978 testified to the Senate in 1979 that:

I do not believe that the Soviets would enter into any agreement which required them to cheat in order to attain their military objectives, or on which they planned to cheat.

The evidence indicated that Mr. Graybeal is flatly wrong, and he should have known he was wrong when he testified.

SOVIET ADVANTAGES FROM SALT VIOLATIONS

What have the Soviets gained from almost a decade and a half of SALT violations intended from as early as 1972? The Soviets have achieved an overwhelming shift in both the strategic and in the overall military balance since SALT began 15 years ago in 1969. The United States and the West are far more insecure today than when

strategic arms limitation talks began in 1969.

Mr. President, I ask unanimous consent that the following two articles be printed at this point in the RECORD. The first article is from the Boston Globe of February 11, 1977, by William Beecher, and is entitled "Brezhnev Termed Détente a Ruse, 1973 Report Said." The second article is from the New York Times of September 17, 1973, by John Finney. These two articles demonstrate the evidence that the Soviets consider détente and SALT to be a huge deception effort aimed at achieving decisive superiority over the West.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Feb. 11, 1977]

BREZHNEV TERMED DÉTENTE A RUSE, 1973
REPORT SAID

(By William Beecher)

WASHINGTON.—A suppressed report from British intelligence in early 1973 quoted Soviet leader Leonid Brezhnev as privately declaring that détente was a ruse designed to lead to a decisive shift in the balance of power.

The report was denigrated and dismissed by Henry Kissinger, according to well-placed sources. But the first reference to it was included in the latest National Intelligence Estimate in 1976, sources said.

The sources who have seen the report say it was represented by the British as dynamite, comparable in importance with the texts of the 1956 speech by Nikita Khrushchev detailing the sins of Stalin.

It quoted Brezhnev as telling a secret meeting of East European Communist party leaders in Prague that détente was a strategy to allow the Soviets to build up their military and economic power so that by 1985 "a decisive shift in the corollation of forces" would enable the Russians to "exert our will wherever we need to."

The report came during the height of euphoria in the United States about the promise of détente, a policy of which Kissinger was the principal architect and exponent.

"The report was as welcome as a dose of chicken pox as far as Henry was concerned," one source recalls. "I suspect that had it been more congenial to what he was trying to accomplish it would have gotten wider attention and credence."

The British said they obtained the account from a man who attended the lengthy Prague meeting called by Brezhnev to assuage fears that he was ready to sacrifice East European interests at the altar of détente.

British intelligence was so sensitive about the source that one copy was hand carried to Washington for the director of Central Intelligence. He in turn sent copies to only six officials: the President, his national security advisory, the secretaries of State and Defense and the intelligence chiefs of the State Department and the Pentagon.

The document classified top secret, carried the unusual admonition not to duplicate it or discuss it with any but the addressees.

That admonition notwithstanding, sources say, the matter was discussed among a tight circle of high officials. Kissinger and others reportedly suggested that since the account came from an untried source and

couldn't be corroborated, it should be regarded as untrustworthy and dismissed.

Others said that even if it *** genuine, the report represented the kind of thing Brezhnev might be expected to say to calm nervous Communist bloc leaders without reflecting his true thinking or plans.

An attempt to reach Kissinger for comment this week before he left on a Mexican holiday was unsuccessful.

The British report was based on the recollections of *** the Prague meeting. There is no way of knowing whether specific quotes attributed to Brezhnev were entirely accurate.

According to three senior *** will have consolidated our position. We will have improved our economy. And a decisive shift in the corollation of forces will be such that come 1985, we will be able to exert our will wherever we need to."

Even in retrospect, senior analysts say they cannot be sure how faithful was the account of the Brezhnev speech. But they say the words are consistent with subsequent public statements by Brezhnev and with certain Soviet actions.

So in the National Intelligence Estimate for 1976, drawn up late last year after a major debate between CIA analysts and a team of outside specialists headed by Harvard Professor Richard Pipes, for the first time reference was made to the Prague meeting and the reported Brezhnev statements there, well placed sources say *** was the gist of the report.

Brezhnev said he was aware of the concern of the East European leaders that détente initiatives seemed to be moving so fast that their interests might be sacrificed.

But he insisted that his pursuit of détente was designed to serve their common interests not to compromise them. "We are achieving with détente what our predecessors have been unable to achieve using the mailed fist," he reportedly said.

He then went through an appraisal of trends in various Western countries, reportedly saying that Finland was in the Soviet pocket. Norway was still troublesome, but trends were moving in the right direction. Denmark, he said, was no longer a viable element of western strength.

In the United Kingdom, Brezhnev continued, the USSR's fondest expectations were being exceeded because of the efforts of its fellow socialist brethren. French foreign policy, he said, was Marxist. Trends in Italy, he remarked, were favorable.

But he reportedly said it was in West Germany that "our greatest achievements are being realized." He said "our great and true friend, fellow socialist, Willy Brandt, has brought about a miracle" by making it possible permanently to consolidate contested borders and by pushing through his Ostpolitik.

"We have been able to accomplish more in a short time with détente than was done for years pursuing confrontation policy with NATO," he said.

He noted that while negotiations proceeded on SALT and on Mutual Balance Force Reductions the United States was unlikely to build up militarily in reaction to the Soviet buildup, he reportedly concluded.

"Trust us, comrades, for by 1985 as a consequence of what we are now achieving with détente, we will have achieved most of our (?) objectives in Western Europe. We ***

[From the New York Times, Sept. 17, 1973]

(By John W. Finney)

WASHINGTON, September 16.—According to intelligence reports recently received here, Leonid I. Brezhnev, the Soviet Communist party leader, has emphasized to Eastern European leaders that the movement toward improving relations with the West is a tactical policy change to permit the Soviet bloc to establish its superiority in the next 12 to 15 years.

Although there is some question about the authenticity of the reports, they are contributing to a debate within the Administration over whether the current Soviet course really represents a basic change in intention or is merely a temporary shift.

As summarized by Defense and State Department officials who have studied the intelligence reports, the Brezhnev explanation went like this:

To the Soviet Union, the policy of accommodation does represent a tactical policy shift. Over the next 15 years or so, the Soviet Union intends to pursue accords with the West and at the same time build up its own economic and military strength.

At the end of this period, in about the middle nineteen-eighties, the strength of the Soviet bloc will have increased to the point at which the Soviet Union, instead of relying on accords, could establish an independent, superior position in its dealings with the West.

HOW UNITED STATES GOT REPORTS

The intelligence reports are for the most part third- or fourth-hand accounts of Brezhnev statements that have filtered through Eastern European sources to Western intelligence agencies and finally to the United States intelligence community.

The authenticity of one report of a Brezhnev conversation with an Eastern European leader last spring, before the Soviet leader met in June with President Nixon, was said to have been vouched for by British Intelligence, which received the report and turned it over to the United States. American officials said that similar intelligence reports have been received concerning other such Brezhnev statements, both in Moscow and in Eastern European capitals.

SUSPICIONS AMONG MILITARY

The attitude among specialists on the Soviet Union is to accept the intelligence reports as probably accurate. Differences have developed within the Administration over how to interpret the statements.

Some high-ranking military officials regard the intelligence reports as confirmation of their suspicions that the Russians are intent upon using accommodation as a way of disarming the West and establishing a military superiority that will permit a more aggressive Soviet foreign policy.

Most civilian analysts of the Soviet Union place less ominous interpretation on the intelligence reports. They tend to consider the reported Brezhnev statements an internal tactic designed to mollify the hardline opposition within the Communists camp as the Soviet leader pursues a policy of detente with the West.

The reports have had considerable impact on the Pentagon. When they are asked to document their contention that the Soviet Union was intent on establishing military superiority over the United States, high-ranking officers immediately cite the intelligence reports on what is coming to be known within the Pentagon as "the new Brezhnev doctrine."

TURNING SCREWS ON UNITED STATES

From the first concrete steps toward East-West accommodation, military officials have tended to suspect Soviet intentions, as reflected in the reservations of the Joint Chiefs of Staff about last year's agreement limiting offensive strategic arms. A common military judgment is that the Soviet Union may be using accommodation in part to lower the guard of the West while it pursues a build-up in the 1980-85 period to achieve military superiority.

This judgment tends to be supported by the intelligence reports on the Brezhnev statements about pursuing accords for 12 to 15 years. To United States military officials, the implication is that by the end of that period the Soviet Union believes it will be in an economic and military position at which it can begin, as one high officer put it, "to start turning the screws on the United States."

Perhaps not completely by coincidence, the reports began to appear at a time when the defense budget faced a serious challenge on the Senate floor. The Senate begins debate this week on the annual military procurement bill, with moves planned to cut away at various weapons and manpower programs.

In the face of a growing view in the Senate that accommodation should permit a re-examination of defense policies, the Defense Department has been going to considerable lengths to emphasize that detente does not permit cuts in the defense budget. In assailing moves to reduce defense spending, for example, Defense Secretary James R. Schlesinger emphasized recently that despite the hopeful atmosphere, Soviet bloc military strength was still growing. He characterized the Soviet Union as having "a mailed fist encased in the velvet glove of detente."

CIVILIAN-MILITARY DEBATE

It appears that the intelligence reports have contributed to the differences between military circles in the Pentagon and civilian circles in the State Department in assessing Soviet intentions.

Civilian analysts of the Soviet Union read the Brezhnev statements as emphasizing accommodation as a way of achieving an economic, rather than military, build-up of the Soviet bloc—not some long-range master plan for military superiority over the United States.

It was also the prevailing belief in civilian circles that the Brezhnev statements were motivated by internal political considerations within the Communist bloc.

Within the Communist party in the Soviet Union, as well as in some of the Eastern European countries, according to Soviet specialists, there appear to be some lingering reservations about the desirability of a cooperative policy with the West. The Brezhnev statements, therefore, were interpreted as an attempt to provide a rationale and justification that would permit all factions, including the ideological hardliners to join behind a policy of cooperation with the West for 12 to 15 years.

As one Government specialist on Soviet affairs put it: "The self-proclaimed tactical shift is probably a tactic in itself."

Mr. SYMMS. There is a relationship between the intentions of Soviet leaders and the capabilities they develop and control. They have developed a tremendous strategic superiority, both offensive and defensive. We can infer from these deliberately developed ca-

pabilities that the intentions of Soviet leaders are to use these capabilities for intimidation and blackmail.

BREZHNEV INTENDED SOVIET WORLD DOMINATION BY 1985

New credence should therefore be given to the 1973 intelligence report of a secret speech by the late Soviet leader Brezhnev to Warsaw Pact Communist Party leaders. Brezhnev stated explicitly that detente with the West was a gigantic deception and ruse designed deliberately to enable the Soviet Union to gain military supremacy. Brezhnev predicted that detente would lull the West into complacency while allowing the Soviets to achieve worldwide, global dominance by 1985. The Soviets may not be ahead of this schedule, given their flagrant SALT breakout in 1983, resulting from their SALT violations decisions made in 1972.

MARSHAL OGARKOV, SALT, AND STRATEGIC DECEPTION

Soviet Marshal Nicolai Ogarkov, now chief of the Soviet General Staff, was the top Soviet military delegate to the SALT I negotiations from 1969 to 1971. Ogarkov has remained closely involved in devising the Soviet SALT negotiating strategy and positions since 1971, because we know that the Soviet military establishment plays the most influential role in both defense planning and SALT negotiating. The Soviet military formulates its 5-year defense plans, and then devises its SALT negotiating strategy and positions in order to protect these plans from being constrained by SALT.

Mr. President, what is not widely understood in the United States is the now well documented fact that Marshal Ogarkov was simultaneously the creator and first Director of the General Staff's Directorate of Strategic Deception. The purpose of this Directorate of Deception is to coordinate Soviet strategic camouflage, concealment, and deception with the Soviet SALT negotiating and compliance policy. If detente and SALT have been a gigantic but highly successful ruse for the Soviets, then Ogarkov and his Deception Directorate are largely responsible. But the top Soviet political leadership, including the late Soviet Presidents Brezhnev and Andropov, were just as deeply involved in the decisions on Soviet SALT negotiating deception and violations. Indeed, I have already mentioned the conclusive documentation of the Soviet leadership's deceptive intentions in SALT dating from as early as 1972.

SOVIET SALT BREAKOUT

In fact, the Soviets use arms control negotiations to gain unilateral advantage. After negotiating SALT agreements with loopholes that leave all of their strategic programs unconstrained, the Soviets then go further

to violate and circumvent the SALT agreements.

The Soviets are now flight-testing a new small mobile ICBM, the SS-X-25, which will probably carry several MIRV warheads each with yields well above 150 kilotons.

The Soviets are also constructing new ABM battle management radars and mass producing new mobile surface-to-air interceptor missiles and radars with ABM capabilities and new mobile ABM interceptor missiles and radars.

Thus America may now be witnessing the Soviet SALT breakout deployment of an illegal new mobile ICBM, carrying illegal new MIRV'd warheads, and defended by an illegal ABM system using illegal large battle-management radars and illegal mobile ABM and ABM capable SAM interceptor missiles and radars.

Again, all of this was decided upon in 1972 and 1974, 12 to 14 years ago.

In fact, the Soviets may soon have not only an illegal nationwide ABM system which could protect key industrial areas, but this same illegal ABM system could also protect a significant percentage of the Soviet ICBM force. The Moscow ABM complex is being modernized and expanded with new radars and new interceptor missiles, including interceptors which can be rapidly reloaded and refired. The Moscow ABM system can already defend several hundred MIRV'd ICBM silos deployed near Moscow. The new Siberian ABM radar at Krasnoyarsk, moreover, is ideally located and oriented to help defend hundreds of nearby MIRV'd ICBM silos and mobile ICBM and IRBM deployment areas.

Hence it is reasonable to conclude that the Soviets are now deploying ABM systems which could defend up to about 30 percent or even more of the Soviet ICBM warheads. This would give the Soviets not only a first strike capability, but also an invulnerable first strike capability, and an invulnerable second strike capability. These Soviet capabilities already greatly erode the U.S. deterrent retaliatory capability.

Moreover, there is evidence that the Soviets have deployed 12 to 14 warheads on each of their giant SS-18 super-heavy ICBM's. SALT II allows them only 10 warheads on each SS-18. The Soviets have over 308 SS-18's. Such a SALT II violation could thus allow the Soviets to increase the number of their ICBM warheads by from 616 to 1,304 warheads. This probable Soviet SALT II violation has not yet been confirmed by the President, but I am confident that it is a Soviet violation.

SOVIET SALT DUPLICITY

Mr. President, as I have pointed out, the Soviet record of SALT violations and diplomatic duplicity is a long one. As former President Jimmy Carter

stated on December 31, 1979, Soviet President Brezhnev's response to Carter's note requesting an explanation of the reasons for the Soviet invasion of Afghanistan "was obviously false . . . The tone of his [i.e., Brezhnev's] message to me . . . was completely inadequate and completely misleading. He is not telling the facts accurately . . . My opinion of the Russians has changed more drastically in the last week than even the previous two and a half years before that . . . This action of the Soviets has made a more dramatic change in my opinion of what the Soviet's ultimate goals are than anything they've done in the previous time I've been in office."

As our distinguished colleague, Senator JOHN WARNER, stated in a Senate floor speech on January 2, 1980:

In view of the President's [i.e. Carter's] statement that Brezhnev lied to him about Afghanistan, it might well be that Brezhnev lied during the SALT II negotiations.

And as President Reagan stated on January 29, 1981, " . . . they [the Soviets] reserve unto themselves the right to commit any crime, to lie, to cheat . . . "

Mr. President, I have already mentioned the sensitive intelligence evidence that Brezhnev lied to the United States in the SALT I negotiations over the Soviet heavy SS-19 ICBM. Brezhnev also lied to the United States again in SALT II over the capabilities and production rate of the Backfire bomber, according to Under Secretary of Defense Fred Ikle and many other experts.

As Assistant Secretary of Defense Richard Perle testified to Congress on February 22, 1984:

The Soviets have not hesitated to mislead us, deliberately and all too successfully.

In fact, there have been over 14 cases of Soviet negotiating deception in SALT I and SALT II which can be fully documented with unclassified evidence.

Mr. President, despite protestations of seeking only equal security and no unilateral advantages, there is a predominant objective in the Soviet approach to arms control. The evidence shows that the Soviets have used arms control negotiations and agreements in order to gain unilateral advantages and to achieve overall strategic superiority over the United States. This has clearly been the Soviet goal and achievement in the SALT I interim agreement and ABM Treaty, the Biological Warfare Convention, the Threshold Test Ban Treaty, the Helsinki Final Act, and in the SALT II Treaty. But the Soviet circumventions and violations of these arms control treaties have destroyed all of the basic objectives that the United States had in entering into these treaties.

The official Soviet propaganda publication entitled "Whence the Threat to Peace" published in 1982 denies the

existence of any Soviet arms control treaty violations. It states:

The Soviet Union's attitude to its international commitments is clearly formulated in the Constitution of the USSR. The Soviet Union has never violated the standards of international law or any treaties or agreements. It has always been a reliable partner in international affairs. "If we put our signature under a treaty," Leonid Brezhnev pointed out, "We mean that we are fully resolved to adhere to its letter and spirit strictly and entirely." (Emphasis added.)

THE SEVEN MOST SIGNIFICANT SOVIET VIOLATIONS

The problem of Soviet noncompliance with arms control treaties has to be dealt with as a matter of the highest national priority. I would like, Mr. President, to remind the Senate that on April 14, 1983, Senator JIM McCLEURE pointed out on the Senate floor the seven most military significant Soviet arms control violations. I would like to recall again for my colleagues those seven most dangerous Soviet arms control violations as pointed out by JIM McCLEURE:

First, Soviet deployment of heavy ICBM's replacing light ICBM's enabling them to quintuple their counterforce capability.

Second, Soviet ICBM rapid reload/refire, stockpiling of extra missiles, covert soft launch and mobile ICBM capability, circumventing all SALT launcher ceilings, and also adding a strategic reserve with strong counterforce capabilities.

Third, Soviet flight-testing of two new type ICBM's, in violation of SALT II, which adds to an already overwhelming counterforce capability.

Fourth, Soviet violation of the Threshold Test Ban Treaty in militarily significant ways, which also adds to their counterforce capability.

Fifth, Soviet development of a nationwide ABM defense, through their construction of ABM battle-management radars, three types of SAM's for ABM mode use, and a mobile and rapidly deployable new ABM in mass production. All of these capabilities give the Soviets a real ABM breakout capability.

Sixth, Soviet violation of the Biological Warfare and Chemical Weapons Conventions.

Seventh, Soviet deployment of offensive weapons to Cuba, in violation of the Kennedy-Khrushchev Agreement of 1962.

Of these seven most militarily significant Soviet SALT violations that Senator JIM McCLEURE already long ago pointed out to the Senate, four have been confirmed by President Reagan in his report of January 23, 1984.

President Reagan confirmed that the Soviets are:

One, illegally testing two new type ICBM's, in violation of SALT II, which adds even more to an already over-

whelming Soviet counterforce capability;

Two, Soviet violation of the Threshold Test Ban Treaty, which also adds to their already overwhelming counterforce capability;

Three, Soviet development of an illegal nationwide ABM defense, as exemplified by their illegal Krasnoyarsk radar and their tests of SAM missiles and radars in an ABM mode. Moreover, Dr. Henry Kissinger, chief negotiator of SALT I, conceded in September 1982 that the Soviet tests of SAM's in an ABM mode violated SALT I. The President's violations report added that: Soviet violation of the ABM Treaty could be very significant.

Four, Soviet violations of the biological and chemical warfare treaties.

Thus four of Senator McCLEURE's original seven most militarily significant Soviet SALT violations have been confirmed by President Reagan.

Of these seven most militarily significant Soviet SALT violations that Senator McCLEURE pointed out, three are not included in President Reagan's report to Congress. These are:

One, Soviet deployment of heavy SS-19 ICBM's to replace light SS-11 ICBM's, in violation of article II of the SALT I Interim Agreement;

Two, Soviet rapid reload and refire ICBM capability and illegal stockpiling of extra ICBM's, in violation and circumvention of SALT II's provisions and all five SALT II launcher ceilings;

Three, Soviet deployment of offensive weapons, including nuclear weapons delivery vehicles and storage facilities, to Cuba, in violation of the 1962 Kennedy-Khrushchev agreement which ended the Cuban missile crisis.

On each of these three militarily significant Soviet violations, however, there is strong confirmation of Senator McCLEURE's original charge.

In 1974, former Defense Secretary Laird charged that Soviet SS-19 deployment was a clear-cut Soviet violation of the SALT I interim agreement. Many other top defense leaders and experts agree with Laird. In 1979, former Secretary of State Kissinger conceded that illegal Soviet SS-19 deployment was sharp practice, and that Soviet resistance to a heavy ICBM definition in SALT II constituted a significant failure in the SALT II Treaty's negotiation and drafting. Finally, even the Senate Intelligence Committee under former Senator Birch Bayh stated in its October 1979 report on the verifiability of SALT II that Soviet SS-19 deployment at least circumvented the SALT I interim agreement. Thus, there is strong support for my charge.

The Defense Department has expressed public concern that Soviet stockpiled missiles have at least circumvented the four SALT II ceilings on launchers, 2,250, 1,320, 1,200, and 820.

In September 1983, and in May 1982, President Reagan himself explicitly and publicly accused the Soviets of abrogating or violating the 1962 Kennedy-Khrushchev agreement by their military activities in Cuba. These charges have been backed up by three top officials.

The Kissinger Commission report released in January 1984 emphasizes that there is an acute and urgent crisis in Central America. The main security problem in the region is the Soviet military base in Cuba and Soviet-Cuban support for the Sandinista efforts to attack the peaceful states in the region. The Soviet military base in Cuba and Soviet support for revolution in the Western Hemisphere violate the accords which ended the Cuban missile crisis in 1962.

The Kissinger Commission report on pages 107 and 108 makes a very significant reference to the Kennedy-Khrushchev agreement, which ended the Cuban missile crisis in 1962 by requiring the Soviets to remove their offensive weapons from Cuba. The report reaffirms President Kennedy's important warning to the Soviets and the Cubans on November 20, 1962:

If all [Soviet] offensive weapons systems are removed from Cuba and kept out of the hemisphere in the future, and if Cuba is not used for the export of aggressive Communist purposes, there will be peace in the Caribbean.

But the Soviets have reportedly brought bombers, fighter-bombers, and strategic submarines and support bases back into Cuba. These forces have more nuclear delivery capability than the Soviet missiles and bombers discovered in October 1962. The Soviets reportedly also have a combat brigade, nuclear warhead storage facilities, and even biological warfare facilities in Cuba.

The Kissinger Commission report points out the consequences for Inter-American security of the failure of the Kennedy-Khrushchev agreement to prevent Soviet-Cuban offensive bases and aggression in the region:

[Kennedy's warning] was more than an expectation. It was a declared policy objective of the United States. Obviously, it has not been achieved. The problem has been that it [i.e., the Kennedy-Khrushchev agreement] was eroded incrementally . . . the total effect of such small changes, however, has been—over five Administrations of both parties—an enormously increased military power and capacity for aggression concentrated on the island of Cuba, and the projection of that threat into Central America . . .

Senator McCLEURE, Senator HELMS, and I have been the leaders in the Senate pointing out the dangers of the Soviet-Cuban military bases and aggression in violation of the Kennedy-Khrushchev agreement, both to American security and to the security of the Western Hemisphere. I believe that President Reagan should enforce

Soviet compliance with the Kennedy-Khrushchev agreement by requiring the Soviets to remove their nuclear delivery-capable bombers and submarines and other offensive military forces from Cuba, and to stop using Cuba as a military base for the export of revolution in Central America.

Thus all seven of JIM McCLEURE's original accusations of Soviet SALT violations have either been confirmed by President Reagan, or have strong official support. I believe that Senator JIM McCLEURE is, therefore, a very credible spokesman on Soviet SALT violations.

Mr. President, even the Arms Control Association has conceded that: "Violations of arms control agreements cannot be overlooked or excused." Thus even the most extreme arms control advocates realize the significance of the Soviet SALT violations. If détente and arms control have failed to restrain the Soviet strategic buildup in the 1970's and 1980's, are appeasement or war our only alternatives? We have to recognize the failure of détente before we can begin to shape a new policy for peaceful relations with the Soviets.

APPEASEMENT IN THE 1920'S AND 1930'S COMPARED TO THE 1970'S

Mr. President, there are compelling reasons to compare the period of the 1970's and 1980's, the period of détente and its aftermath, to the interwar period of the 1920's and 1930's. Many astute observers have noticed striking but alarming parallels between these two periods of modern history.

The disarmament provisions of the 1921 Treaty of Versailles were unpopular with the German people, because they were generally considered to be unfair by the German people. Thus there was popular German support for evasion measures, which the German Army, the Reichswehr, devised. The democratic German Weimar and the British and French Governments knew about some of these German Army evasions, circumventions, and even outright violations of the Versailles Treaty, but the civilian leaders looked the other way. Many leaders of the Weimar Republic shared the perception that the disarmament provisions of the Versailles Treaty were unfair to Germany. These German leaders saw these disarmament provisions as designed to keep Germany in a permanently inferior position to the allies, rather than permitting the Germans to function as an equal with the other powers of Europe, a position to which most Germans felt entitled by reason of Germany's economic, educational, scientific, and technological prowess. In the view of those German military and political leaders who violated the disarmament provisions of Versailles, or who covered up such vio-

lations, the fact that neither the British nor the French tried to enforce German disarmament justified Germany in its resistance to the disarmament provisions.

The result of this situation was that Germany was able to take actions which clearly violated the disarmament provisions of Versailles, and the allies did not even attempt enforcement. The Allies did little or nothing about the German violations. In most cases, the German Government blandly denied that disarmament violations were taking place, and the denials were accepted, especially by the British, at face value as true. The Allied Control Commission met evasions and passive resistance in many of its attempts to inspect illegal German munitions factories, and was continually thwarted in its attempts to monitor the German Army.

Mr. President, eventually the Allied political leaders, and even the Allied military establishments, increasingly accepted German protestations either that specific violations had not taken place, or that they were being corrected.

The Weimar policy of evading, circumventing, and violating their obligations under the Versailles Treaty enabled the Germans to lay the groundwork for the expansion of their army, to keep their munitions industry in being, to create and expand their air force and navy, and to establish the foundation for the expansion of their munitions industry supporting their illegal army, air force, and navy.

These objectives were accomplished in the early 1920's, ironically, with the active help and complicity of the Soviet Union.

The Inter-Allied Control Commission that supervised the disarmament provisions of the Versailles Treaty withdrew from Germany in January 1927, and issued a final report stating:

Germany has never disarmed, has never had the intention of disarming, and for seven years has done everything in her power to deceive and "counter-control" the Commission appointed to control her disarmament.

Does this remind us of Soviet behavior in the 1970's and 1980's? As Assistant Secretary of Defense Richard Perle testified to the House Armed Services Committee on February 22, 1984:

We must, if we are not to face an expanding pattern of Soviet violations, see that such violations carry costs at least equal to the gains they derive from them.

In 1934, Sir Winston Churchill also challenged the British Government over whether or not the Germans were complying with the arms control provisions of the Versailles Treaty. In the House of Commons, Churchill stated that:

The worst crime is not to tell the truth to the public, and I think we must ask the

Government to assure us that Germany has observed and is observing her treaty obligations in respect to military aviation.

Unfortunately, the British Government lied to the British people, and did assure the British people, contrary to the facts of German rearmament, that Hitler was not violating the Versailles Treaty. Thus, Britain slept until it was too late to avoid World War II.

In the summer of 1935, high-ranking naval officers of Hitler's Germany approached officials of the British Government with a one-time offer. The Nazis promised to limit their surface naval fleet to one-third the size of the British fleet, if only Germany could have 100 percent of Britain's submarine tonnage. Ignoring the fact that the Nazis were already in violation of the 1921 Versailles Treaty ending World War I by having any navy at all, the British eagerly grasped the Nazi straw. The Germans began producing U-boats, and the grim story of Nazi aggression unchecked by democratic military power led to World War II.

Barton Whaley summarized the effects of Axis arms control breaches and the failure of allied enforcement measures before World War II:

The national leaders were easy prey for deception. By failing to demand rigorous verification of alleged infractions they showed apathy. By failing to apply sanctions when Intelligence did occasionally bring undeniable proof of infractions to their attention, they showed themselves impotent as well. And the opponents' perception of this impotence was a spur of even more audacious infractions.

Thus, U.S. failure to enforce Soviet arms control compliance or U.S. failure to take countermeasures can again lead to world war.

Arms control violations in the 1930's actually contributed to the outbreak of World War II. In the 1930's, clear evidence of Japanese and German violation of the naval treaties was not challenged by the West. Technical defects in the treaties, loopholes or ambiguous intelligence evidence were not responsible for the West's failure to challenge the violations. Bad policy and weak will were responsible.

Today, we face an increasingly clear pattern of Soviet violations of existing arms control treaties. American failure to challenge these Soviet violations will be more dangerous than any other course of action because an American failure of nerve will only encourage more aggressive Soviet violations.

Is this history of appeasement going to be repeated? Is another great Western democracy—this time America—turning its face away from serious treaty violations on the part of an aggressive totalitarian regime? Far graver potential consequences for the fate of the world are now at stake.

Mr. President, I am confident that we can avoid repeating the mistakes of

the past. The best way to keep the peace is through continued deterrence and through enforcement of Soviet compliance with existing arms control treaties.

AFTER DETECTION, WHAT?

On July 18, 1979, even the Carter administration's Defense Secretary Harold Brown testified on the consequences of possible Soviet violations of the SALT II Treaty to the Senate Foreign Relations Committee:

In considering Soviet compliance with the provisions of SALT II * * * there is a difference between detection of a violation and enforcement, bringing a detected violation to an end. The SALT II Treaty will not be enforced in the courts * * * The issue is not whether we could prove a case to a jury. We do not need proof beyond a reasonable doubt, nor even evidence we can discuss in detail, to challenge Soviet action. In international agreements, the ultimate enforcement mechanism is our own actions. * * * We could insist on taking certain actions ourselves outside the Treaty to compensate militarily and politically for the violation. Our ultimate remedy would be termination of [the] SALT II Agreement * * * If a problem were not resolved or if we detected a violation which threatened our security, I would not hesitate to recommend to the President * * * the ultimate step of Treaty abrogation.

Former Secretary of State Henry Kissinger long ago stated what the United States should do in the case of Soviet SALT violations. Dr. Kissinger warned Senators and Congressman on June 15, 1972:

The possibility exists that the Soviets will treat the Moscow Agreements [SALT I] as they have sometimes treated earlier ones, as just another tactical opportunity in the protracted conflict. If this happens, the United States will have to respond. If this agreement were being circumvented, obviously we would have to take compensatory steps in the strategic field.

During the decade since SALT I, the Soviets have in fact circumvented and violated all the most important provisions of SALT I and SALT II, just as they violated most treaties since 1917. I wonder whether the United States may now need to fulfill Dr. Kissinger's pledge to take countermeasures.

Addressing Congress after signing the SALT II Treaty in June 1979, former President Carter stated:

Were the Soviet Union to take the enormous risk of trying to violate the treaty in any way that might affect the strategic balance, there is no doubt that we would discover it in time to respond fully and effectively.

Thus even former President Carter promised to take responsive countermeasures to offset Soviet SALT II violations.

What is remarkable about President Reagan's report on Soviet SALT violations is the fact that the Reagan administration plans to continue complying with all the six arms control treaties which the Soviets are violating, including two unratified treaties.

Even more remarkable is the fact that the Reagan administration plans to make absolutely no changes in its military budget or defense programs to offset the military implications of the Soviet cheating. An objective observer must conclude either that the Soviet arms control cheating has no military significance at all, or alternatively, that U.S. strategic programs are so robust already that they inherently compensate for any Soviet cheating.

MILITARY IMPLICATIONS OF SOVIET SALT VIOLATIONS

I would like to discuss each of these alternatives in sequence. First, I believe that the Soviet cheating does have profound military significance. In fact, Soviet arms control cheating has decisive military significance. In particular, the illegal Soviet biological and chemical offensive warfare capabilities have the effect of severely lowering the nuclear threshold, making attempted U.S. nuclear deterrence of the Soviet BW/CW capability more likely to result in nuclear war. Moreover, the President's report states for the first time in public that the Soviets have maintained "an offensive biological warfare program and capabilities." This is extremely dangerous to world peace, because these weapons are nonnuclear weapons of mass destruction.

The illegal Soviet SS-X-25 and the illegal SS-16 are both mobile ICBM's, and up to 400 of these mobile missiles may be deployed. They are very survivable and therefore of high military significance. This many of these two ICBM's could carry over 800 warheads. The illegally encrypted SS-X-24 will carry over 1,000 additional counterforce warheads if only 100 are deployed, or 2,000 warheads if 200 are deployed. If the SS-X-24 can carry 14 warheads each, like the SS-18, then 200 could carry 2,800 warheads. The encryption of the SS-X-24 suggests this kind of throw-weight and payload.

The illegal Soviet ABM radars will, along with mobile interceptors, significantly contribute to an illegal Soviet nationwide ABM defense, making it extremely significant militarily. Indeed, over 30 percent of Soviet ICBM warheads can be defended.

Finally, the Soviet violations of the Threshold Test Ban Treaty probably allowed the Soviets to develop more powerful warheads for their new even more highly accurate ICBM's, also making this very significant militarily.

Thus it is reasonable to conclude that at least five of the nine Soviet arms control violations reported by the President are militarily significant.

Second, are U.S. military programs already robust enough to compensate for the military implications of the Soviet violations?

The defense and military posture statements for fiscal years 1981

through 1985 indicate that the U.S. strategic decline will not even begin to be arrested until after 1990, and if Soviet strategic advantages continue to accelerate, the United States may never return to strategic parity with the Soviets. It is thus reasonable to conclude that U.S. military programs are not now robust enough to offset the Soviet strategic advantages gained from their arms control cheating.

More significantly, President Reagan has already conceded the first point, that there are military implications of the Soviet violations, in his report on Soviet arms control cheating. President Reagan stated: "Soviet violations of arms control agreements could create new security risks."

Even more ominously, President Reagan stated:

Such violations deprive us of the security benefits of arms control directly because of the military consequences of known violations and indirectly by inducing suspicion about the existence of undetected violations that might have additional military consequences.

These statements concede that U.S. national security has in fact been harmed by the Soviet cheating. Thus, the only question is how to measure these military implications of the Soviet SALT violations.

And as President Reagan stated on January 16, 1984:

We must take the Soviet compliance record into account, both in the development of our defense program and in our approach to arms control.

This statement means implicitly that the Soviet SALT violations have military implications that may not have been factored into our defense programs.

At the very least, the full funding of President Reagan's strategic weapons program is essential in view of their confirmed violations. The President's strategic weapons program itself is quite modest, even in comparison to the strategic program planned by former President Carter.

ARE WE IN A NUCLEAR FREEZE ALREADY?

For example, the Department of Defense budget request for last year, fiscal year 1984, called for production of zero air-launched cruise missiles B, ALCM-B. The fiscal year 1984 defense request also planned to zero production of the Trident I submarine-launched ballistic missile, SLBM, in fiscal year 1985. Last year, however, Congress increased ALCM-B production for fiscal year 1984 from zero to 240.

The fiscal year 1985 Defense budget request again entirely cancels the production of ALCM-B and reaffirms the planned zeroing of Trident I SLBM production this year. These are the only two strategic offensive weapons systems which are currently produced for operational deployment by the United States.

I know that ALCM-B production has been curtailed because of plans for an advanced cruise missile, and Trident I production has similarly been curtailed because of plans for Trident II production. But Trident II is still only in the design phase and cannot become operational until 1989 at the earliest. And the ACM will also take several years to become operational.

There will thus be a gap of at least several years between the 1985 production stoppage of both of these two missiles before their successor missiles can finish R&D testing and achieve initial operational capability and begin production.

Thus the perception could be created that the Reagan administration is observing a "nuclear weapons freeze" by canceling production of the only two strategic offensive systems now being produced and deployed. But the Senate soundly defeated the Kennedy-Hatfield nuclear weapons freeze resolution last October, by a vote of 58 to 40.

Perhaps the United States should continue ALCM-B and Trident I SLBM production until production can begin on the ACM and Trident II. More than just 12 of the 31 Poseidon SLBM submarines could be equipped with the Trident I SLBM, thereby increasing their survivability during the dangerous window of vulnerability. Up to 20 ALCM-B's could be deployed on each of the 120 B-52 bombers equipped with cruise missiles allowed by SALT II. It may be unwise to have a production gap for both of our only currently deployed new systems in these precarious times of apparent Soviet breakout from SALT I and II.

I know that tight budgetary constraints are the main reason for the apparently premature production stoppages, but this constraint may demonstrate either that our defense program priorities could be wrong or that we may need somewhat more defense funding in selected areas.

Continued U.S. unilateral compliance with the unratified SALT II Treaty may also be a factor in the case of ALCM-B production, because the United States is allowed no more than 120 ALCM-equipped bombers, and we reportedly now have planned 90 B-52's, each equipped with only 12 ALCM-B's.

I would now like to describe the Reagan strategic buildup in some detail. Despite the popular myths, the Reagan administration is unilaterally freezing and building down.

The July 1980 Republican platform stated:

Despite clear danger signals indicating that Soviet nuclear power would overtake that of the United States by the early 1980's, threatening the survival of the United States and making possible, for the first time in postwar history, political coercion and defeat, the [Carter] administration

reduced the size and capabilities of our nuclear forces. (Emphasis added.)

The platform went on to say:

*** Unilateral restraint by the United States has failed to bring reductions by the Soviet Union *** [the Carter administration] has *** practiced unilateral disarmament and removed any incentives for the Soviets to negotiate for what they could obviously achieve by waiting. (Emphasis added.)

Moreover, in March 1981, President Reagan stated that the Soviets have:

Sat on the other side of the table so far, knowing that we have unilaterally disarmed to a great extent *** maybe if we do a little building—it'll be a two-way street.

But the following tables illustrate the fact that, despite the above 1980 platform commitments and early Reagan statement, the United States has continued under President Reagan to reduce our strategic forces unilaterally, and thus has continued to practice unilateral restraint and unilateral disarmament. Prior to even beginning strategic arms reduction talks—START—the Reagan administration has made or planned the following unilateral reductions:

PRESIDENT REAGAN'S STRATEGIC FORCE CUT BACKS

(Deactivated, canceled, or planned for deactivation, strategic nuclear delivery vehicles)

	Vehicles	Warheads
100 Minuteman III ICBM's (replacements)	200	200
Titan II ICBM's	54	54
Polaris SLBM's ¹	160	160
B-52-D bombers	80	320
2 Trident subs	48	364
B-1 bombers ²	150	3,300
2 Poseidon subs	32	320
90 B-52-G ALCM carriers	90	1,080
MX ICBM's ³	100	1,000
Total	724	6,828

¹ Polaris deactivation began under Carter, but was completed under Reagan.

² The United States currently plans only 100 B-1-B bombers, as compared to 250 planned by Ford.

³ The United States currently plans only 100 unsurvivable MX's, as compared to 200 survivable MX's planned by Carter.

SUMMARY OF CONTINUED U.S. STRATEGIC CUTBACKS UNDER DEFENSE SECRETARY WEINBERGER, 1981-85

ICBM'S

No deployment of 100 stockpiled Minuteman IIIs despite its authorization by Congress in FY 1981 and 1982, and appropriation in FY 1982.

No upgrade of Minuteman power and airborne launch control.

Reduction in MX from 200 to only 100 deployed missiles, in nonsurvivable basing mode, with no ABM defense. (Only 40 MXs were planned at one point.)

Premature and abrupt deactivation of 52 Titan IIs, carrying a high percentage—33 percent—of our ICBM megatonnage.

SLBM'S

Continued Polaris submarine deactivation—loss of 160 high megatonnage SLBMs—26 percent of our SLBM megatonnage.

Cutback of two Trident submarines.

Reduction of Trident construction rate from 1½ to 1 per year.

Delay to 1992 completion of Kings Bay Trident sub base.

One-year delay in ELF deployment decision, with Initial Operational Capability further delayed to 1986.

Delay and cutback in SLCM deployment on submarines.

Planned deactivation of two Poseidon subs carrying 32 SLBMs.

BOMBERS AND ALCM'S

Premature and abrupt deactivation of 80 B-52Ds, carrying heavy megatonnage—19 percent of our bomber megatonnage.

Reduction of ALCM yearly production rate first from 480 to 440, then to 360, then to 240, then to zero, delay of B-52 ALCM initial operational capability one year to December 1982.

Cancellation of KC-10 tanker aircraft procurement.

Planned B-1 force cut from 250 under Ford to only 100.

Failure to deploy sufficient ALCMs on B-1, reduction to SALT II limit of only 20 ALCMs per B-1, or by 200 ALCMs.

No inland basing and increased alert rate for B-52 force.

Reduction of B-52 alert rate from 33% to 26%, concurrent with acceptance of additional conventional, sea control and projection missions for some B-52s.

Planned deactivation of 90 B-52 Gs carrying over 1,000 ALCMs.

DEFENSE

Reduction of proposed funding for space laser research development.

Reduction of Patriot Air Defense missile system.

No acceleration of ABM R&D.

The net effect of this is that the Reagan strategic program will have fewer weapons than the Carter strategic program throughout the 1980's and into the early 1990's. The effectiveness of the bomber improvements will be reduced by the fact that they will mainly carry gravity bombs, rather than advanced penetration weapons and cruise missiles.

Moreover, the rump Reagan MX program has yet to be given a survivable basing mode—and it is very unlikely that the Reagan administration will ever come up with a really viable alternative to the multiple protective structure basing mode.

Under Secretary of Defense Richard DeLauer testified to the Senate Defense Appropriations Subcommittee on March 13, 1984, that:

The foundation of our strategy and program is built on the adequacy of our strategic nuclear forces to deter aggression or coercion, thus denying the Soviets the opportunity to checkmate us through nuclear dominance. The opportunities for modern conventional defense depend upon this foundation having been established.

DeLauer added that "the President's No. 1 priority is strategic modernization." This testimony seems refuted by the strategic cutbacks noted above.

Thus we must conclude that the Soviet cheating does have military significance, and that the Soviets already have strategic superiority over the United States.

As President Reagan said on March 31, 1982: "The Soviet Union does have a definite margin of superiority—enough so there is risk, and there is

what I have called a window of vulnerability." President Reagan again stated in his speech to the Nation on the MX ICBM on November 22, 1982, that the United States is inferior to the U.S.S.R. in strategic capability. On March 23, 1983, President Reagan further declared that the Soviets had a "present margin of superiority."

Defense Secretary Weinberger stated in the fiscal year 1984 defense posture statement that "the Soviets have acquired a margin of nuclear superiority in most important categories."

Using only SALT counting rules, which significantly understate Soviet capabilities by an order of magnitude, and do not account for the Soviet violations, Soviet strategic force numerical advantages are: 1.6 to 1 in SALT-accountable delivery vehicles; 4 to 1 in missile throw-weight; 1 to 0.9 in strategic warheads; 6 to 1 in prompt hard target kill potential; 4 to 1 in equivalent megatons; and 1300 to 24 in long-range theater nuclear missiles warheads.

These Soviet advantages will persist well beyond 1990, because even the first U.S. MX ICBM's and B-1B bombers will not become operational until late 1986 and 1987.

Soviet military leaders confirm that they believe that the "correlation of forces" shifted in their favor as early as 1971. In fact, the Soviet military journal, Red Star, stated in January 1980 that the "correlation of forces" had shifted "irrevocably" in Soviet favor.

SUMMARY OF MILITARY IMPLICATIONS OF SOVIET SALT VIOLATIONS

The following chart is a summary of President Reagan's report to Congress on Soviet SALT violations, together with a summary of the status of most of the other Soviet arms control compliance issues which Senator McClure, Senator Symms, and I have cataloged for the Senate. As is easily apparent from the chart, there are over 40 Soviet SALT and other arms control violations remaining for President Reagan to report on to the Congress, in order to comply fully with the McClure-Helms-Symms amendment to Public Law 98-202, which states:

REPORT TO CONGRESS ON SOVIET COMPLIANCE WITH ARMS CONTROL AGREEMENTS

SEC. 5. The President shall prepare and transmit to the Congress a report on the record of the compliance or noncompliance of the Soviet Union with existing arms control agreements to which the Soviet Union is a party.

The above McClure-Helms-Symms amendment passed the Senate on September 23, 1983, by a rollcall vote of 93 to 0. The legislative history of the amendment in the Senate is that Soviet compliance with the letter and spirit of all arms control agreements

should be reported and that this report should be unclassified and made on an urgent basis. As Assistant Defense Secretary Perle testified to the Senate on March 14, 1984, the

President's violation report was illustrative only, and Perle mentioned 20 to 25 additional existing violations.

Mr. President, I ask unanimous consent that the chart and summary pre-

viously mentioned be printed in the RECORD at this point.

There being no objection, the chart and summary were ordered to be printed in the RECORD, as follows:

PRESIDENT REAGAN'S REPORT TO CONGRESS ON SOVIET SALT AND OTHER ARMS CONTROL TREATY VIOLATIONS

Soviet Arms Control Treaty violation	Conclusiveness of President's judgment	Quality of evidence	Senator McClure's unclassified prediction	Military significance in quantitative terms
SALT II: Encryption of missile telemetry	"Violation of legal obligation prior to 1981 and violation of their political commitment subsequent to 1981;" unqualified.	Conclusive, 100 percent encryption or denial, deliberately impedes verification.	Confirms prediction.	Unknown, could allow the SS-X-24 to have heavier throw-weight than the heavy SS-19, and carry up to 14 warheads, like the SS-18.
SS-X-25 as second new type ICBM	"Probable violation of political commitment;" using best estimates, SS-X-25 has about 200 percent more throw-weight than SS-13.	Strong	Confirms prediction of about 200 percent increase of SS-X-25 throw-weight over SS-13.	Allows MIRVing of SS-X-25.
Reentry vehicle to throw-weight ratio	"Violation of political commitment;" unqualified.	Conclusive.	Questioned this activity.	Could allow 3 or more reentry vehicles; with a deployment of 200 SS-X-25 could result in 600 survivable warheads.
SS-16 mobile ICBM deployment	"Probable violation of their legal obligation not to defeat the object and purpose of SALT II prior to 1981 . . . probable violation of a political commitment subsequent to 1981."	Strong, converging from multiple categories.	Confirms prediction of SS-16 deployment.	Probably results in 200 survivable warheads.
SALT I ABM: New large radar	"Almost certainly a violation of legal obligations."	Almost conclusive.	Confirms prediction of multiple treaty provisions.	Could help protect up to 20 percent of Soviet ICBM warheads, about 1,400.
Threshold Test Ban Treaty	"Likely violations of legal obligations."	Differing interpretations and schools of analysis.	Prediction of 95 percent confidence of violation can be confirmed.	Could allow development of new warheads in .5 to 1 megaton range. Over 15 violations.
Biological Warfare and Chemical Warfare Treaties.	"Repeatedly violated their legal obligations;" unqualified.	Conclusive.	Confirms prediction.	BW/CW are weapons of mass destruction. Lowering of nuclear threshold. Soviet intercontinental delivery capability. Confirms offensive BW/CW program capabilities. Increases possibility of surprise attack.
SALT II: SS-18 rapid reload and refire capability.	Unconfirmed by President.	Strong.	Unconfirmed.	308 extra missiles, over 3,000 additional warheads.
AS-3 Kangaroo long-range ASM on 100 TU-95 Bears.	Unconfirmed by President. Soviet military power. September, 1981 states on page that the AS-3 Kangaroo has a range of "650 kilometers." The AS-3 thus counts in SALT II.	Conclusive and official.	do.	Marginal.
Deployment of long-range ASM and cruise missiles on Backfire bomber.	Unconfirmed by President.	Strong.	do.	250 more strategic delivery vehicles and warheads.
Production of 32 to 36 Backfire bombers per year.	do.	do.	do.	Soviet strategic delivery vehicle total increases 32 to 36 per year.
Arctic deployment of Backfire bomber.	do.	do.	do.	Backfire has intercontinental range to attack entire United States.
Increased and large scale strategic camouflage, concealment, and deception.	do.	do.	do.	Can not be determined. Affects U.S. targeting in undeterminable ways.
Testing new heavy SLBM, SS-NX-24.	do.	do.	do.	Could allow hard target capable SLBM, or more than the allowed 14 warheads of SLBM.
Soviet admission that they exceed 820, 1200, 1320 SALT II ceilings.	do.	do.	do.	Soviets have 465 more strategic delivery vehicle than allowed, carrying 2,000 more warheads than allowed.
Soviet failure to reduce to 2,400 or to 2,250 strategic delivery vehicles.	do.	Conclusive.	do.	Allows the Soviets more than 550 delivery vehicle carrying more than 550 warheads.
SALT I ABM Treaty Soviet SAM testing in ABM mode: SAM-5, SAM-10, SAM-12.	Unconfirmed by President, confirmed by former Secretary of State Kissinger and former Defense Secretary Laird.	Strong.	do.	Could allow Soviets to defend 100 percent of their ICBM warheads, plus key industrial areas.
ABM: Camouflage and concealment.	Unconfirmed by President.	do.	do.	Marginal.
Falsification of ABM deactivation.	Confirmed under President Carter.	Conclusive.	Confirmed.	None.
Creation of new ABM test range without required prior notification.	do.	do.	do.	None.
Development of a rapidly deployable, mobile ABM system.	Unconfirmed by President.	Strong.	Unconfirmed.	Could contribute to nationwide force and value.
Testing of a rapid refire ABM capability.	do.	do.	do.	Do.
Deployment of a nationwide ABM defense, using 6 ABM battle-management radars, SAM's-5, 10, 12, and mobile ABM-3.	do.	do.	do.	Could give Soviets a first strike capability and a capability to suppress U.S. retaliatory deterrent.
Deployment of more than 100 ABM launchers around Moscow.	do.	do.	do.	Marginal, unless significant number of extra launchers.
SALT I Interim Agreement:				
Deployment of 360 heavy SS-19 to replace light SS-11 ICBM.	Unconfirmed by President. Confirmed as a clearcut "violation" by former Defense Secretary Laird, and as "sharp practice" by former Secretary of State Kissinger.	Conclusive.	do.	Allowed Soviets to add 1,800 hard target, accurate, high yield counterforce warheads to their force.
Failure to deactivate old ICBM's on time and continuous falsification of official deactivation reports.	Unconfirmed by President.	do.	do.	Allowed Soviets to calibrate accuracy and timeliness of U.S. National technical means of verification, gauge U.S. political will to enforce compliance.
Bringing back ICBM equipment to deactivated ICBM complexes.	do.	Strong.	do.	Marginal.
Keeping 18 SS-9 ICBM's at an ICBM test range illegally operational.	Confirmed by President Carter.	Conclusive.	do.	Gave Soviets 18 ICBM's with 18 extra.
Soviet deployment of III X silos with a configuration too similar to a missile launch silo.	Unconfirmed by President.	do.	do.	None.
Increased use of camouflage, concealment, deception. Camouflage of ICBM, SLBM activities, SLBM tunnels.	do.	do.	do.	Allows Soviets to frustrate U.S. targeting of mobile ICBM's, provides protection for many Soviet SLBM submarines not on patrol.
Constructing over 68 strategic submarines, when only 62 are allowed.	do.	do.	do.	Allows Soviets 6 Y class submarines which could carry over 20 SS-N-21 cruise missiles each, a total of over 120 extra warheads.
Violation of Brezhnev's pledge not to build mobile ICBM's.	do.	Strong.	do.	See President's report.
Deploying SS-11 ICBM's at SS-4 MRBM sites for covert soft launch.	do.	do.	do.	Could allow over 1,000 old SS-11 ICBM's with 1,000 warheads to be covertly soft launched as a strategic reserve.
Keeping about 1,300 to several thousand old ICBM's stockpiled for both covert soft launch and rapid reload of silos for refire.	do.	do.	do.	1,000 to 2,000 more old ICBM's and warheads as covert strategic reserve.
Kennedy-Khrushchev Agreement Combat Brigade.	President Reagan and CIA Director, JCS Chairman, and Under Secretary of Defense have confirmed Soviet violation.	Conclusive.	Confirmed.	Soviet offensive ground forces capability in Cuba.
Golf and Echo subs.				12 SLBM's and SLCM's.

PRESIDENT REAGAN'S REPORT TO CONGRESS ON SOVIET SALT AND OTHER ARMS CONTROL TREATY VIOLATIONS—Continued

Soviet Arms Control Treaty violation	Conclusiveness of President's judgment	Quality of evidence	Senator McClure's unclassified prediction	Military significance in quantitative terms
Mig-27 floggers.....				12 SLBM's and SLCM's.
TU-95's.....				12 Bears, already counted in strategic force.
BW/CW facility.....				Unknown.

OFFICIAL U.S. GOVERNMENT DATA FROM JCS POSTURE STATEMENT AND SOVIET MILITARY POWER

	Number	War-heads
United States¹		
Strategic nuclear delivery vehicles:		
ICBM's.....	1,033	2,140
SLBM's.....	592	5,344
Intercontinental bombers.....	264	1,944
Total.....	1,889	9,421
Soviet Union		
Strategic nuclear delivery vehicles:		
ICBM's.....	1,398	6,300
SLBM's.....	981	2,528
Intercontinental bombers.....	405	1,620
Total.....	2,784	10,448

¹ Using SALT II counting rules. Soviets are thus 895 delivery vehicles and 1,027 warheads ahead of the United States. But U.S. forces should be discounted further because 480 Poseidon warheads are dedicated to NATO.

TOTAL SOVIET QUANTITATIVE ADVANTAGES PROBABLY GAINED FROM VIOLATING SALT I, II, AND OTHER ARMS CONTROL AGREEMENTS

	Delivery vehicles	War-heads
SS-X-24's.....	200	12,000
SS-X-25's.....	200	600
SS-16's.....	200	200
SS-18 reload.....	308	3,000
Backfires.....	250	250
MIRV'd launchers over 1,320.....	465	2,000
Delivery vehicles over 2,250.....	550	550
SS-19 vice SS-11.....	0	1,800
SS-9 at Tyuratam.....	18	18
SS-N-21's on Y class.....	120	120
SS-11's stockpiled.....	1,000	1,000
Older ICBM's stockpiled.....	1,000	1,000
SLBM's/SLCM's in Cuba.....	12	12
Mig-27 floggers in Cuba.....	43	43
Total.....	9,366	12,593

¹ 2,000 plus.

SOVIET VIOLATION OF ALL SALT II CEILINGS

Mr. SYMMS. The following series of tables illustrate the Soviet strategic forces structure as it exceeds the SALT II Treaty ceilings. The first series of tables shows that the Soviets are well over all the five SALT II ceilings: 2,400, 2,250, 1,320, 1,200, 820. The second series of tables illustrates Soviet strategic missile and bomber construction rates since 1978. These total 7,017. There is no evidence that any of the older missiles and bombers which this total replaces have been dismantled. Hence the Soviet strategic force could be an order of magnitude larger than the first set of SALT II tables indicate. And as the preceding SALT violations chart indicates, the Soviets may already be an order of magnitude above the SALT II limits. There is some double counting in the charts, but it is fair to conclude that the Soviet strategic force is an order of magnitude larger than SALT II allows.

Soviet strategic force structure as it exceeds the SALT II Treaty ceilings

Strategic nuclear delivery vehicles under SALT II counting rules:

ICBM silos.....	1,398
Bear, Bison bombers (counting tankers).....	170
SLBM's.....	980

Vice 2,400 and 2,250 allowed by SALT II¹.....

Backfire bombers, including Naval Backfires.....

Subtotal.....

Bear H with ALCM's.....

SS-16 mobile launchers at Plesetsk.....

SS-9 FOB's at Tyuratam.....

Stockpiled ICBM's for rapid refire and covert launch.....

Total SNDV's.....

MIRV'd ICBM's under SALT II counting rules:

SS-18.....	308
SS-19.....	360
SS-17.....	150

Subtotal.....

SS-24 in converted SS-11 silos operational by 1985.....

Vice 820 allowed by SALT II².....

MIRV'd SLBM's under SALT II counting rules:

16 Delta III's with SS-N-18.....	264
3 Delta III's under construction.....	48
2 Typhoons with SS-N-20.....	40
2 Typhoons under construction.....	40

Total.....

Total MIRV'd ICBM and SLBM launchers under SALT II counting rules:

MIRV'd ICBM.....	918
MIRV'd SLBM.....	392

Vice 1,200 allowed by SALT II³.....

Intercontinental bombers equipped with long-range ALCM's or ASM's and MIRV'd missile launchers under SALT II counting rules:

Bear with "650 kilometer "AS-3.....	105
Backfire with long-range ALCM.....	235
New Bear H with long-range ALCM, the AS-X-15 having 3,000 kilometer range.....	50
Subtotal.....	390

Vice 1,320 allowed by SALT II.....

¹ The fiscal year 1985 JCS military posture statement gives the Soviets 2,754 delivery vehicles, counting Backfires.

² Does not count over 100 more SS-24's which might be deployed in a mobile mode. In fact, the April 1984 "Soviet Military Power" states: "Available evidence suggests mobile as well as silo deployment for both (SS-24 and SS-25) systems."

³ Does not count up to 200 SS-25's as MIRV'd, and up to 200 SS-24's.

NOTE.—These totals include those launchers and bombers under construction, which SALT II art. XI specifies should count. Moreover, those delivery vehicles under construction will probably be operational before SALT II expires at the end of 1985.

These totals probably underestimate the real Soviet SALT II breakout, because they do not count reports that the SS-25 is MIRV'd, and they do not count reports of up to 300 probable rail-mobile SS-24's, road mobile SS-25's, and silo based SS-25's.

SOVIET STRATEGIC WEAPON PRODUCTION RATES

This table shows new Soviet strategic weapon production rates. It is derived from the Defense Department books "Soviet Military Power" for 1983 and 1984. It is especially worrisome because old Soviet weapons are not being retired as new ones are produced. They are being stockpiled as strategic reserves.

ICBM's:	
1978.....	225
1979.....	225
1980.....	250
1981.....	200
1982.....	175
1983.....	150

Total.....

SLBM's:	
1978.....	250
1979.....	200
1980.....	200
1981.....	175
1982.....	175
1983.....	200

Total.....

SLCM's:	
1978.....	600
1979.....	700
1980.....	750
1981.....	750
1982.....	800
1983.....	800

Total.....

Bombers (Backfire):	
1978.....	30
1979.....	30
1980.....	30
1981.....	30
1982.....	35
1983.....	35

Total.....

NOTE.—In the April 1984 edition of "Soviet Military Power," the bomber production numbers for 1982 and 1983 were each changed from 30 to "35." This is the first official confirmation of Soviet production of more than 30 Backfire bombers per year.

I am very concerned by the military implications of the President's report on Soviet SALT violations for U.S. national security. Neither SALT I nor SALT II seems to be constraining the Soviet threat. We seem to be witnessing an apparent Soviet breakout from both the offensive and defensive constraints of SALT I and II.

PARALYSIS IN THE FACE OF SOVIET SALT BREAKOUT

I have noted in the Washington Post of January 19, 1984, that:

Senior Pentagon officials . . . say there is no need to alter U.S. military programs in the next few years as a result of the alleged Soviet cheating.

State Department public diplomacy policy guidance has also stated:

We are taking account of Soviet violations in our defense modernization plans . . . the Strategic Defense Initiative should be evaluated on its own merits aside from Soviet violations of existing agreements.

I wonder what specific U.S. strategic modernization programs will offset the Soviet SALT violations. As President Reagan stated in his speech of January 16, 1984:

We must take the Soviet compliance record into account, both in the development of our defense program and in our approach to arms control.

And as President Reagan stated in his report to Congress of Soviet SALT violations:

Soviet violations of arms control agreements could create new security risks. Such violations deprive us of the security benefits of arms control directly because of the military consequences of known violations and indirectly by inducing suspicion about the existence of undetected violations that might have additional military consequences.

As Defense Secretary Weinberger stated on May 26, 1982, SALT II "did not reduce arms or even limit their effectiveness." Secretary Weinberger added that SALT II "would irreversibly seal the advantage the Soviets currently enjoy." Thus even if the Soviets were complying with the unequal SALT II Treaty, which the Senate Armed Services Committee stated was not in the national security interest of the United States, the United States would be at a grave disadvantage. Since 1979, the Soviets have increased the number of nuclear warheads targeted on the United States by about 75 percent. Now the Soviets seem to regard both SALT I and II to be dead, and the Soviet offensive and defensive threats seem to be unconstrained in this apparent breakout situation.

In determining whether or how to adapt our defense programs in response to apparent Soviet breakout from SALT I and II, we might recall what even the Carter administration

conceded were the budgetary implications of a Soviet threat unconstrained by SALT I and II. In a speech of October 20, 1980, former Defense Secretary Harold Brown argued that:

To match the bigger Soviet force without SALT could cost us, over the next decade, an additional 30 to 100 billion 1981 dollars.

Defense budget increases as large as the Carter administration considered in the absence of SALT I and II or in the event of Soviet SALT breakout are obviously difficult to envision, due to the huge deficits in the Federal budget, but they might be a guide to what we might wish we could do in this period of grave national security danger.

Mr. President, the process of the strategic arms limitation talks—SALT—have been an exceptionally complex process. The SALT treaties themselves clearly show how complex this process has been, because the treaties themselves are very complex. Nevertheless, there are some rather basic and easily understandable conclusions that I would like to draw from this sordid history of the SALT process. These conclusions are worthy of serious consideration by the Senate.

First, Mr. President, the Soviets have achieved major strategic advantages from their violations of SALT I and II:

They have deployed their illegal SS-19 heavy ICBM, helping to quintuple their counterforce capability;

They have achieved overwhelming superiority in the number and capabilities of ICBM's SLBM's, and bombers, including superiority in the number of warheads carried on them;

They have deployed up to 200 illegal SS-16 mobile ICBM's;

They have excluded over 250 Backfire intercontinental bombers from SALT II;

They have excluded 1,000 to 2,000 strategic reserve stockpiled ICBM's from SALT II;

And finally, the Soviets have achieved through SALT I and II overall quantitative and qualitative offensive and defensive superiority. Not such a bad achievement for a supposedly mutually beneficial process.

Mr. President, the Soviets are committed to their 5-year defense plans, and they use the SALT process to preserve their long-term commitments to their new programs. The evidence from their exploitation of the SALT process clearly shows that the Soviets do not change their force plans because of SALT. Quite the contrary, Mr. President. The Soviets make their secret 5-year defense plans first and then they defend these secret plans from SALT constraints. In contrast, Mr. President, the United States has no long-term defense plan, and the United States allows SALT to adverse-

ly affect its strategic programs. So far, the SALT process has codified Soviet future defense plans, while impeding and constraining U.S. defense plans.

Mr. President, the open U.S. society versus the closed Soviet society has resulted in a severe intelligence asymmetry in the SALT process. This has been a severe handicap to real arms control. The SALT negotiations have been conducted using mostly U.S. data. This process can be compared to playing poker with an opponent who knows your cards as well as his own, and who also cheats.

The Soviet General Staff Deception Directorate has played a key role in SALT negotiating deception, camouflage and concealment, and SALT violations.

Mr. President, the Soviets have a sustained SALT camouflage, concealment, and deception program centrally directed by the Politburo-level Defense Council, and coordinated by the Soviet General Staff as part of the Soviet SALT negotiating strategy also largely controlled by the General Staff. Operational strategic deception and concealment is directly linked to negotiating deception and outright SALT violations. The Soviet leadership intended from the outset to violate the SALT treaties in 1972. The closed nature of Soviet society greatly magnifies the effectiveness of this massive program and further exacerbates the intelligence asymmetry.

Mr. President, the SALT decade can be accurately described as a decade of dangerous U.S. strategic decline, and the SALT process has strongly contributed to that decline. The SALT process has made America more insecure rather than more secure. No positive U.S. military or security objectives that have been achieved by SALT I or II can easily be identified.

The Carter administration consistently claimed both that the United States would be able to detect any significant Soviet SALT cheating, and more importantly, that the United States would react to it. For example, in their SALT compliance and verification white paper of February 1978, the Carter administration stated:

Although the possibility of some undetected cheating in certain areas exists, such cheating would not alter the strategic balance in view of U.S. programs. Any cheating on a scale large enough to alter the strategic balance would be discovered in time to make an appropriate response. (Emphasis added.)

Thus the Carter administration clearly pledged that it would respond to Soviet SALT violations. It believed in "the U.S. ability to respond in a timely manner to possible Soviet cheating." But while the Reagan administration has accused the Soviets of violations, it is not yet ready to propose any U.S. response to Soviet SALT

violations. At least President Reagan seems to believe that some U.S. response is necessary.

ANALYSIS OF CARTER WHITE PAPER ON SOVIET COMPLIANCE OF FEBRUARY 1978

The Carter administration reported that seven Soviet SALT compliance questions were discussed with the U.S.S.R. Rather than to recapitulate all of the details of each of the seven cases, I will point out some omissions or misleading aspects of the Carter administration report.

1. LAUNCH CONTROL SILOS

First, on the question of whether Soviet launch control silos were illegal ICBM launchers or not, it is important to note that the Soviet silos in question were first detected in 1970. This matter was not resolved in the SALT Standing Consultative Commission—SCC—until 1976, so it took 6 years to resolve this significant question of arms control compliance. The real issue all along was not the immediate function of the silos in question, but the similarity of their design to Soviet silos actually housing and launching ICBM silos. The Soviets designed these silos to be too similar to ICBM launch silos, hence the U.S. concern was caused by what can be regarded as Soviet deception inherent in their silo designs. And it is important to keep in mind just how this problem was resolved. As in all the other cases in the SCC, the United States acquiesced in the Soviet position.

2. SOVIET DECEPTION

The Carter administration claimed on the second issue that "in early 1975, careful analysis of intelligence information on—the camouflage and concealment—activities of the U.S.S.R. led the United States to conclude that there *no longer appeared* to be an *expanding pattern* of concealment activities associated with strategic weapons programs." (Emphasis added.) This statement is both misleading and false. It is misleading because the U.S. analysis of the Soviet camouflage, concealment, and deception—CCD—program was not careful. I believe that the United States still has a very primitive understanding of the nature, scale, intentions, and scope of the Soviet CCD program. It was not, for example, until mid-1978 that U.S. intelligence first realized that Soviet Marshal Ogarkov was in charge of strategic deception while he was also the chief Soviet military SALT negotiator. Moreover, we will never know what the Soviets have successfully hidden under Marshal Ogarkov's direction. Even more significantly, the Soviet CCD program in fact did not stop expanding in 1975, as the Carter administration claimed. The Soviet CCD program reportedly continued to expand significantly after 1975. Indeed, intelligence experts today are conceding that the still expanding Soviet CCD program is massive and is

deliberate, and that it impedes U.S. verification of SALT by national technical means. Thus U.S. intelligence has now finally concluded retrospectively that, after 1975, the Soviet CCD program was a violation of SALT I and SALT II, because it was deliberate and because it does impede U.S. verification.

3. THE SOVIET SS-19

On the third question of the Soviet SS-19 modern large ballistic missiles, the Carter administration analysis implicitly concedes that the SS-19 can be classed as a heavy ICBM because it is referred to as the modern large ballistic missile issue. There are several false or misleading aspects of the Carter white paper's discussion of the heavy SS-19 ICBM issue. First, there was no reference to Soviet negotiating deception on the SS-19 in May 1972.

Soviet negotiators, including Brezhnev himself, made many false statements to the United States from 1971 to May 1972 which had the effect of misleading the United States about the size of their then-secret new, large ICBM, the heavy SS-19. The Soviets themselves considered the SS-19 to be a heavy ICBM, which it was by U.S. standards. They argued falsely that an agreed definition of a heavy ICBM was unnecessary.

Their most significant deception was their many false statements during the negotiations that they did not intend to replace light ICBM's—the SS-11—with heavy ones, the precise opposite of their plans as confirmed by events, and contrary to article II of SALT I. Article II prohibits the replacement of light ICBM's with heavy ICBM's.

The Soviets tried in May 1972 to justify their refusal to agree to a definition of a heavy ICBM by arguing that such a definition was unnecessary because both sides already knew which ICBM's were heavy and light. The Soviets said repeatedly in May 1972 at the Moscow summit:

There was no need for a definition of a heavy ICBM since the Soviet approach fully precluded conversion of launchers for other types of ICBM's covered by the agreement into launchers for heavy ICBM's [Article II]. It was the Soviet view that both sides had a clear understanding of what light and heavy ICBM's were and that there was no reason to believe that during the period of the Interim Agreement this understanding would not continue to prevail. (Emphasis added.)

This Soviet position was precisely the opposite of the true situation and a camouflage of their true intentions. They regarded the SS-19 as a heavy ICBM all along and as the prime candidate to replace the light SS-11. Hence the above Soviet statements were directly deceptive and misleading. They were a deliberate Soviet effort to circumvent or violate article II's prohibition against replacing light ICBM's with heavy ICBM's and to de-

ceive the United States about their intentions.

The Soviets also actually argued several times that the United States could trust them not to convert light ICBM's into heavy ICBM's. In order to deflect U.S. concerns, they also suggested that a missile like the SS-19 could be banned, even as they were planning to deploy it widely as the replacement for the SS-11. Finally, the Soviets also deceptively bargained to successfully persuade the United States to abandon attempts to gain an agreed definition of a heavy ICBM.

The SS-19 turned out to be 400 percent heavier in throwweight than the small SS-11, and its volume is about 60 percent greater. The SS-19 deployment helped to quintuple the Soviet counterforce threat to the United States by the expiration of SALT I in 1977. Even the Carter administration later conceded in 1979 that the heavy SS-19 was more deadly than the super heavy SS-18, because of the SS-19's greater accuracy and larger deployment.

Important intelligence evidence indicating Soviet deception on the SS-19 was reportedly acquired in May 1972. Congressman JACK KEMP has described this evidence in the CONGRESSIONAL RECORD, citing William Beecher, "United States May Reply to Soviet Rays," Boston Globe, October 10, 1976, page 7. The United States reportedly eavesdropped on Soviet communications in Moscow in May 1972, during SALT I negotiations. According to the CONGRESSIONAL RECORD and to Beecher:

By way of example, one source noted that in May 1972, in the hours immediately preceding agreement on the SALT I pact in Moscow, a conversion was intercepted in which Soviet Party Chairman Leonid Brezhnev checked with a top weapons expert to get assurance that an about-to-be-concluded formula covering permissible *silo* expansion would allow the Soviets to deploy a *bigger* new missile then under development. That intercept provided the *first* solid information that the SS-19, as it is now known, was destined to replace some of the relatively small SS-11 missiles, which comprise the bulk of the Soviet ICBM force. The SS-19 has three to four times the throwweight of the old missile. (Congressional Record August 2, 1979, p 22493, emphasis added.)

This highly significant intercept reportedly occurred on May 26, 1972, just before SALT I was signed. It indicated that the SS-19 was a large, heavy ICBM and that Brezhnev intended the SS-19 to replace the light SS-11 on a large scale precisely in violation of article II. Yet Brezhnev had deceptively told U.S. negotiators that the U.S.S.R. did not intend to replace light ICBM's with heavy ICBM's. Thus this reported intercept conclusively confirms Brezhnev's negotiating deception on the SS-19. Brezhnev knew that the SS-19 would violate article II, but he also knew that the

United States did not then know about the SS-19.

And as William Safire wrote in the *New York Times* of August 6, 1981, "Deception Managers," page A-23:

The first inkling of duplicity came to us in May, 1972, via "Gamma Guppy," our tuning in to limousine telephone conversations between Leonid Brezhnev, Andrei Gromyko, and Soviet missile designers at the Moscow summit conference. These transcripts quoted Mr. Brezhnev talking about a "main missile" that had never been mentioned in SALT negotiations, which turned out to be the SS-19. The surprised Henry Kissinger considered this "sharp practice."

A third reference to the Beecher intercept material occurred in a *New York* magazine review of April 5, 1982, of Henry Kissinger's memoirs, by none other than William Beecher himself. Beecher wrote:

One of the principal objectives of SALT I was to preserve America's 1,000 Minuteman missiles by putting a cap on the number of super-large Soviet SS-9 missiles, which if equipped with multiple warheads could threaten all the American ICBMs in a first strike. In the negotiations, Kissinger allowed the Soviets to include a clause for "modernization" of all their ICBMs—heavy and light—which permitted the replacement shortly thereafter of light single warhead missiles by the hefty SS-17 and SS-19 multiple warhead missiles. That, quite predictably, has led to the current situation, in which all the Minutemen are vulnerable to surprise attack.

Nor does Kissinger mention an intercepted conversation—before the deal had been completed—between Leonid Brezhnev and the commander of his Strategic Rocket Forces checking to see whether the modernization formula would be adequate for his needs. Some 751 pages later, in addressing the SALT II problem, Kissinger brings up the troubling new SS-17 and SS-19 multiple warhead missiles. "Emerging so soon after the signature of SALT I, they left little doubt that the Soviet perception of stability was not the same as that of our arms controllers." The principal American arms controller was, of course, Kissinger himself.

This passage confirms the other evidence that Kissinger was deceived by the Soviets on their plans to illegally replace the light SS-11 with the heavy SS-19 ICBM.

Fourth and finally, as Seymour Hersh has written in his book on Kissinger, "The Price of Power," on page 547:

On the day of the summit, the National Security Agency intercepted a radio-telephone conversation in Moscow between Brezhnev and a senior military official in which the party chief, talking from the back seat of his limousine, received assurances that the commitment to limit increases in silo dimension to 15 percent would not preclude employment of the new Soviet missile system.

Hersh fails to point out that while the SS-19's silo was legal, the missile itself was illegal.

What is not well known is that key parts of this reported intercept were reportedly embargoed and suppressed by Dr. Kissinger within the intelli-

gence community, evidently in order to cover up the fact that Kissinger had been deceived by Brezhnev on the Soviet heavy SS-19 as the intended but illegal replacement for the light SS-11.

As the Senate Intelligence Committee reported in October, 1979:

It is clear from the SALT I record that intelligence of possible Soviet violation of the Treaty [sic] was, in some cases, and for a time, withheld from Executive branch officials who had a need for such information.

Senator GORDON HUMPHREY and Congressman JACK KEMP have both suggested that it was the Beecher intercept above that was withheld and suppressed by Dr. Kissinger in order to ensure the Senate's advice and consent for the ratification of the SALT I ~~AMB~~ Treaty which was integrally linked to the SALT I Interim Agreement. Admiral Zumwalt has confirmed that this information was withheld from the JCS. The late Senator Jackson has confirmed that the Senate was lied to on SALT. If the Beecher intercept had been known to the Senate in the summer of 1972, the SALT I agreements might not have received the advice and consent and majority vote of the Senate, and the United States might have been spared the increased threat caused by the Soviet SALT I violations already planned in 1972.

The 1978 Carter White Paper states that:

When deployment of the SS-19 missiles began, its size, though not a violation of the interim agreement provisions—that is article II, caused the United States to raise the issue with the Soviets in early 1975. Our purpose was to emphasize the importance the United States attached to the distinction made in the interim agreement between light and heavy ICBMs, as well as the continuing importance of that distinction in the context of the SALT II Agreement under negotiation at the time.

I believe that in light of the Soviet negotiating deception on the SS-19, the Carter administration's reaction was extremely weak and misleading.

The SS-19 must be considered either a circumvention or violation of article II. The United States showed that it was willing to tolerate this most significant SALT violation by unilaterally redefining in SALT II the definition of a heavy ICBM to exclude the SS-19. Yet the heavy SS-19 helped to increase the Soviet counterforce threat to the United States by a factor of 5 after 1972. This was a set-back to U.S. national security comparable to the loss of the Vietnam war, and to the Soviet offensive weapons deployment to Cuba in 1962 and after 1970.

By tolerating, condoning, and even apologizing for this Soviet SALT violation, the U.S. confirmed that it was willing to allow the Soviets to continue to upset the strategic balance to its advantage. All other Soviet SALT violations are dwarfed in significance by the SS-19 case. Yet the SALT process

went on for 7 more years without challenge to its negative impact on U.S. security. Moreover, former Defense Secretary Laird stated plainly in 1974 that SS-19 deployment was a clear-cut violation of SALT I. In 1979, former Secretary of State Kissinger conceded finally that Soviet SS-19 deployment constituted sharp practice.

The Carter White Paper went on to say:

Following some discussion in the SCC, further discussions of this question in that forum were deferred because it was under active consideration in the SALT II negotiations. Since that time, the U.S. and U.S.S.R. delegations have agreed in the draft text of the SALT II Agreement on a clear demarcation, in terms of missile launch weight and throwweight, between light and heavy ICBMs." (Emphasis added.)

This Carter administration statement is completely false, because there was a complete failure to bilaterally define heavy ICBMs in SALT II.

That the proponents of SALT II alleged that there is an agreed definition of a heavy ICBM is of equal if not greater significance than their acceptance of the Soviet Backfire position. There is a similar need for analysis of the definition of the heavy ICBM. One would think that the difficulties for the United States growing out of the imprecise terminology in SALT I would have demanded an exceedingly precise definition of the heavy ICBM in SALT II. It is interesting to note that Walter Slocombe declared that in negotiating SALT II, the United States had learned from our hard lessons of SALT I. He said that.

The most important lesson was to be as specific and precise as possible in drafting treaty language constraining Soviet options.

Nevertheless, during the course of SALT II we have twice repeated the most important mistake of SALT I—failure to define a heavy ICBM.

At Vladivostok in November 1974, we preserved the key SALT I prohibition on heavy ICBMs, but again as in SALT I, we did so without an agreed definition of a heavy ICBM.

In recognition of our lack of success with our 1972 unilateral statement on a definition of a heavy ICBM—and most of our other 1972 unilateral statements—former SALT II chief negotiator Paul Warnke clearly ruled out U.S. unilateral statements in SALT II during his February 1977 Senate confirmation hearings:

My conviction is that with regard to any agreement which is entered into at this time on control of offensive nuclear weapons, that we could not afford to have unilateral declarations. The trouble with the unilateral declaration is that you say, "I am now about to say something which you refuse to say." So that is almost a built-in formula for disagreement, and I don't think that in the kind of arms control agreement that we ought to use to replace the interim agreement, we ought to have that kind of a situation. (Emphasis added.)

There is nevertheless an important U.S. unilateral statement in the SALT II Treaty. Again, unbelievably, the unilateral statement involves the troublesome definition of a heavy ICBM. Paragraph 7 of article II partially defines heavy ICBM's as any missile larger in launch weight and throwweight than the SS-19, but, as we learned in SALT I, a clear, agreed distinction between light and heavy ICBM's must be established. A heavy ICBM definition is thus again the key definition of SALT II.

The SS-19 is to be the baseline between light and heavy ICBM's. In order to be effective, however, the definition must have clear, specific, agreed data on the SS-19's launch weight and throwweight. Here is the full negotiating record for these specific weights:

On August 16, 1977, in a plenary statement, the United States informed the Soviet Union that . . . for planning purposes, with respect to ICBM's it might develop, test or deploy in the future, the United States considers the launch-weight limit on light ICBM's to be 90,000 kilograms and the throwweight limit to be 3,600 kilograms. These figures are based on our estimates for the SS-19. *The Soviet Union did not respond to this statement.* The United States will regard these figures as the limits for the one new type of light ICBM permitted to the United States under Paragraph 9 of Article IV. (Emphasis added.)

Thus, the United States unilaterally defined only U.S. heavy ICBM's in terms of the SS-19. But we evidently did not even try to get the Soviets to agree to such a definition for Soviet ICBM's. The above statement thus only implies unilaterally that any ICBM on the Soviet side with a launch weight greater than 90,000 kilograms—198,000 pounds—and a throwweight greater than 3,600 kilograms—7,937 pounds—will be regarded by the United States to be a heavy ICBM.

Not only did the Soviets not agree to these vital specific baseline data, they did not even respond to them. Despite this, the U.S. State Department in July 1979 still claimed:

The U.S. and U.S.S.R. delegations agreed in the Salt II Treaty on a *clear demarcation* in terms of missile launch weight and throwweight, between light and heavy ICBM's.

This Carter administration claim was falacious and showed wishful thinking. The Carter administration advanced the strange idea that Soviet silence in the face of U.S. unilateral statements somehow confirmed their agreed status.

The State Department claim notwithstanding, there is in effect a U.S. unilateral statement defining a heavy ICBM, just as in May 1972, the U.S. defined a heavy ICBM unilaterally. The only difference is that in 1972 we explicitly called it a unilateral statement. Indeed, our present SALT II unilateral definition is even weaker

than our more explicit and more positive 1972 heavy ICBM unilateral statement.

Thus, there is still no agreed definition of a heavy ICBM in SALT II, well recognized as the major and most dangerous flaw in both the SALT I Interim Agreement and also the November 1974 Vladivostok accord.

But, as Slocombe himself has stated:

The Soviets should be presumed to be protecting something when they refuse to agree to a specific limitation.

In 1976, Slocombe also said:

The lesson drawn from his episode (that is, the SS-19 problem) by U.S. officials is the need for *explicit and precise acknowledgement by the U.S.S.R.* on even the most technical details of these issues. (Emphasis added.)

Slocombe and other U.S. negotiators ignored their own advice in negotiating SALT II.

It is curious that the pro SALT II history of the negotiations, by SALT supporter Strobe Talbott, recognizes that the Soviets had exploited the failure of SALT I to define heavy missiles.

Talbott nevertheless goes on to describe the strange United States use of the new diplomatic device of Soviet noncontradiction in SALT II:

This rather contorted procedure, involving a Soviet lacuna filled by American "unilateral interpretation" in turn confirmed by Soviet "noncontradiction," had for a long time been a curious but common feature of the negotiating ritual in SALT . . . the Russians would assent by their silence . . . it had become a mutually accepted practice in SALT that if one side confronted the other with an explicit, unilateral interpretation and the second side did not object, then the interpretation was considered agreed and became enshrined in the negotiating record . . . according to diplomatic practice, Gromyko's "noncontradiction" would be considered tantamount to assent, and it would become part of the negotiating record that would accompany and amplify the treaty. . . .

Thus the Carter administration claimed that a U.S. unilateral statement not contradicted by the Soviets is somehow agreed. This is precisely the status of the heavy ICBM definition in SALT II. The United States on August 16, 1977 unilaterally provided U.S. data on the launch weight and throwweight of the Soviet SS-19 ICBM. This was an attempt to define a heavy ICBM. The Soviets, however, did not agree. They did not even respond. The Carter administration evidently believed that this is another case in which Soviet noncontradiction constitutes agreement, because the Carter administration claimed that there is a clear, agreed definition of heavy ICBM's.

Talbott himself recognizes the danger inherent in such U.S. wishful thinking, however:

One trouble with the diplomatic device of noncontradiction is that an understanding arrived at by the silence of one party is

easily undone; all that party has to do is break silence.

Would a good lawyer negotiate key aspects of a commercial contract on this kind of assent by silence basis? Moreover, the Soviets have told us repeatedly that they would not be bound by U.S. unilateral statements, emphasizing the unreality and danger of U.S. trust in the strange diplomatic device of noncontradiction.

The significance of the continued failure to define a heavy ICBM is that it continues to allow dangerous Soviet deployment options. No launch weight or throwweight baselines for heavy ICBM's means that the Soviets can test and deploy new ICBM's somewhat heavier than the heavy SS-19. This may be the case with the fully encrypted SS-X-24, which is believed to have about the same throwweight as the MX and thus the SS-19. If the United States would complain or charge noncompliance, the Soviets can be expected to reply simply that they never agreed to the U.S. supplied baseline data on the SS-19, and that these data are in any case wrong. They could then supply their own correct data. Hence the road is open for continued Soviet deception and noncompliance.

Moreover, all constraints on testing and deploying new ICBM's, which are no more than 5 percent larger or smaller than existing Soviet ICBM's, also rely on U.S. baseline data on the launch weights and throwweights. The same is true of the data on Soviet silo dimensions which would comprise the baseline data from which to measure the inexplicable increase of up to 32 percent in silo volume allowed by article IV. But in all these cases, we have reportedly not revealed our data to the Soviets. They have thus not yet had the chance to avoid response, and it is equally unlikely that they would agree with our data.

In sum, there are significant U.S. unilateral statements and unilateral baselines in SALT II, despite Warnke's disclaimer and our own hard experience in SALT I. Dr. Kissinger conceded on August 12, 1979, in his first explicit criticism of SALT II, that the failure to achieve an agreed definition of the SS-19 was a weakness in the drafting of SALT II. Indeed, it could be a fatal weakness. How can article IV constrain new Soviet ICBM's without agreed baselines from which to measure 5 percent variances? Are we going to rely only on Soviet uncertainties about what U.S. baseline data are and on our increasingly weakening enforcement leverage?

The United States thus did not learn the main lesson of SALT I. The United States was deceived by the Soviets on the heavy SS-19 and the lack of a heavy ICBM definition. Not once, not twice, but three times—in 1972 in

SALT I, in SALT II at Vladivostok, and in 1979 at Vienna in the final SALT II Treaty.

We should not have to tolerate Soviet secrecy in SALT. The proposition that we can somehow outsmart the Soviets about the status and capabilities of their own secret programs, and then somehow induce them to agree to constrain themselves through SALT is preposterous. Moreover, as we have seen, the Soviets made many significant false and deceptive statements to the United States during SALT I and II, but because they have never been called to account for them, they have gotten away with them all.

4. SAM TESTS IN THE ABM MODE

The fourth issue discussed in the Carter White Paper is SAM-5 testing in an ABM mode. The Carter White Paper stated that:

During 1973 and 1974, U.S. observation of Soviet tests of ballistic missiles led us to believe that a radar associated with the SA-5 surface-to-air missile system had been used to track strategic ballistic missiles during flight.

The Carter White Paper conceded that:

The activity could have been part of an effort to upgrade the SA-5 system for an ABM role.

The Soviets responded, according to the Carter White Paper, by maintaining that no Soviet air defense radar had been tested in an ABM mode. The Carter White Paper concluded by saying—

A short time later, we observed that the radar activity of concern during Soviet ballistic missile tests had ceased.

This is totally false and misleading.

The Soviets reportedly tested SA-5 air defense radars in an ABM mode between 50 and 60 times from 1973 through 1976. Then from 1978 through 1983 the Soviets reportedly tested SA-10 and SA-12 air defense radars and interceptor missiles in an ABM mode. A U.S. unilateral statement does define rather precisely what ABM mode testing entails. But as in the case of article II and the SS-19 discussed above, U.S. unilateral statements need not be considered. Both articles II and VI of the ABM Treaty include obligations concerning ABM components which include not testing them in an ABM mode.

In attempting to enforce Soviet compliance with articles II and VI, the United States could have relied solely on the agreed obligations pertaining to prohibition of ABM mode tests. This was not done. The Soviets have clearly violated both these articles, as well as the U.S. unilateral definition of ABM mode testing. Dr. Kissinger conceded on September 12, 1982, that he considered Soviet SAM tests in the ABM mode to be violations of the SALT I ABM Treaty.

5. SOVIET ABM FALSIFICATION

The fifth case discussed by the Carter White Paper is the Soviet falsification of their report on the dismantling of excess ABM test launchers.

The 1978 State Department White Paper on Soviet SALT compliance contained a notable revelation. In 1973, the Soviets falsified the number of ABM test range launchers they had deactivated, in order to come below the 15 allowed by article IV of the Treaty. The Soviets were informed by the United States that their deactivation report was false, but they have never been required by the United States to fully deactivate their excess ABM range launchers according to secret procedures for this very purpose agreed to in 1974. The Soviets thus stand in violation of article IV of the ABM Treaty.

6. ILLEGAL SOVIET ABM TEST RANGE

The sixth case discussed in the Carter White Paper was the Soviet ABM radar on the Kamchatka Peninsula. In October 1975, a new Soviet radar was completed at the Kamchatka impact area of the Soviet ICBM test range. The Carter White Paper declared that the

location of this radar, which the U.S. identified as an ABM radar, on the Kamchatka Peninsula, could have constituted establishment of a new Soviet ABM test range.

The Soviets have thus created a completely new, additional ABM test range, in violation of Common Understanding B of the ABM Treaty. The Common Understanding specified the Soviet ABM test range existing in 1972 as Sary Shagan, and the Soviets stated:

That there is a common understanding on what ABM test ranges were.

Nevertheless, without the prior notification required by the SALT I ABM Treaty, the Soviets deployed an ABM radar at the Kamchatka ICBM impact area in 1974. This ABM radar violated the common understanding and also article IV, which states that additional test ranges must be agreed to prior to their creation. The United States was not asked prior to the Soviet deployment of the ABM radar to Kamchatka, nor did the United States agree to it. What the United States did do was quietly reclassify the common understanding B into a U.S. unilateral statement, thereby accepting Soviet violation of article IV.

The Carter White Paper quite falsely stated that in 1972 in regard to common understanding B of the ABM Treaty:

The Soviet side neither confirmed nor denied the accuracy or completeness of the U.S. listing.

This is completely false, because in 1972 the Soviets stated that there was a common understanding on what ABM test ranges were, and the United

States had designated the Soviet ABM test range as only Sary Shagan.

7. SOVIET ICBM DISMANTLING FALSIFICATION

The seventh Soviet compliance case discussed in the Carter white paper was Soviet dismantling or destruction of replaced ICBM launchers. The Soviets were to have dismantled 51 replaced ICBM launchers by March 1976, under the SALT I interim agreement. When the U.S. side expressed concern to the Soviets on their failure to dismantle 51 ICBM launchers by March 1976, the Soviet pledged that all the dismantling actions would be completed by June 1, 1976, and they agreed to comply with the United States demand that no more submarines with replacement SLBM launchers would begin sea trials before such completion. The Carter white paper states that both conditions were met. This is totally false and misleading, which the White Paper implicitly reveals, when it goes on to state:

Since that time . . . we have observed some minor procedural discrepancies at a number of those deactivated launch sites . . . As necessary we have pursued the question of complete and precise accomplishment of the detailed requirements of the agreement procedures.

These statements imply that problems with Soviet deactivation compliance remained.

There are many reliable reports that the Soviets failed to deactivate old SS-7 and SS-8 ICBM's on time between 1975 and 1980. There are also reports that they falsified a large number of their required reports on this deactivation. The Soviets thus clearly violated SALT's article II and the protocol, as well as the secret deactivation procedures agreed to in 1974. They also ignored the U.S. warning of 1973 on the need for accuracy in their reports to the Standing Consultative Commission. According to the State Department SALT compliance white paper of February 1978, the Soviets even admitted in March 1976 that they had failed to deactivate old ICBM's on time as required. This can be regarded as a violation admitted by the Soviet.

The Soviets also reportedly brought back ICBM equipment to at least one deactivated ICBM complex. This equipment was reportedly for the mobile SS-16 ICBM, or the mobile SS-20 IRBM, which use the same equipment. It thus violated U.S. unilateral statement B, which stated that mobile ICBM development was inconsistent with the objectives of SALT I.

In regard to Soviet compliance questions which have not even been discussed in the SALT Standing Consultative Commission, there are several further misstatements of fact in the Carter white paper. The paper stated flatly that:

The U.S.S.R. does not have a mobile ABM system or components for such a system.

This is false. The radars for the ABM-3, the Flat Twin and Pawnshop radars, are mobile and require only concrete hard stands for their emplacement. This system is in mass production and deployment around Moscow.

The Carter White Paper also states that:

Our close monitoring of activities in this field has not indicated that ABM tests or any tests against strategic ballistic missiles have been conducted with an air defense missile . . . we have not observed any such tests of the SA-5 air defense system missile.

This is completely false. Even Dr. Henry Kissinger conceded on September 12, 1982, that the Soviet tests of the SAM-5 radars and missiles was a violation of the SALT I ABM Treaty.

In regard to the important subject of Soviet mobile ICBM's, which had not even been discussed in the SCC before 1981, the Carter white paper stated:

We do not believe the Soviets have deployed an ICBM in a mobile mode.

This is flatly contradicted by President Reagan's report on Soviet SALT violations of January 23, 1984, which states that Soviet:

Activities at Plesetsk are a probable violation of their (the Soviet) legal obligation not to defeat the object and purpose of SALT II prior to 1981 during the period when the (SALT II) Treaty was pending ratification. . . .

The SS-16's test program ended in 1976, and it has probably been deployed at Plesetsk ever since. Thus the Soviet SS-16 deployment at Plesetsk was probably underway in 1978 at the time the Carter White Paper incorrectly exonerated the Soviets of any illegal mobile ICBM deployment.

In sum, the Carter administration acquiesced in all the Soviet SALT I violations. According to the Carter administration, by early 1975 the United States recognized that deployment of the SS-19 was inevitable, even though the Carter administration conceded that deployment of the SS-19 would result in greatly increased Soviet counterforce capability. The Carter administration quite contradictorily believed that neither the Soviet activities which the United States questioned in the SCC, nor the way in which these issues were resolved in the SCC, reduced the security of the United States.

This is simply an untenable claim. Ambassador Nitze, who is now Chief U.S. Negotiator for the intermediate range nuclear force negotiations recently canceled by the Soviets, was asked about the role of the SCC under the Carter administration and the Nixon-Ford administration. Senator Zorinsky asked Nitze during Senate Foreign Relations Committee SALT II hearings in 1979:

Do you know of any violations that have come before the SALT I Standing Consulta-

tive Commission that were not resolved under SALT I?

Ambassador Nitze replied:

No, but how were they resolved? They were resolved by accepting what had been done in violation.

Thus, Paul Nitze, one of our most knowledgeable and experienced SALT negotiators, has testified that the Carter and Nixon-Ford administrations appeased Soviet SALT I violations, and covered up this appeasement.

There being no objection, the President's letter and report mentioned earlier were ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S REPORT TO THE CONGRESS ON SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS

The following is the text of a message to the Congress transmitting the President's Report on Soviet Noncompliance with Arms Control Agreements as required by the FY 1984 Arms Control and Disarmament Act:

To the Congress of the United States:

If the concept of arms control is to have meaning and credibility as a contribution to global or regional stability, it is essential that all parties to agreements comply with them. Because I seek genuine arms control, I am committed to ensuring that existing agreements are observed. In 1982 increasing concerns about Soviet noncompliance with arms control agreements led me to establish a senior group within the Administration to examine verification and compliance issues. For its part the Congress, in the FY 1984 Arms Control and Disarmament Act, asked me to report to it on compliance. I am here-with enclosing a Report to the Congress on Soviet Noncompliance with Arms Control Agreements.

After a careful review of many months, and numerous diplomatic exchanges with the Soviet Union, the Administration has determined that with regard to seven initial issues analyzed, violations and probable violations have occurred with respect to a number of Soviet legal obligations and political commitments in the arms control field.

The United States Government has determined that the Soviet Union is violating the Geneva Protocol on Chemical Weapons, the Biological Weapons Convention, the Helsinki Final Act, and two provisions of SALT II: telemetry encryption and a rule concerning ICBM modernization. In addition, we have determined that the Soviet Union has almost certainly violated the ABM Treaty, probably violated the SALT II limit on new types, probably violated the SS-16 deployment prohibition of SALT II, and is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty.

Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. It increases doubts about the reliability of the U.S.S.R. as a negotiating partner, and thus damages the chances for establishing a more constructive U.S.-Soviet relationship.

The United States will continue to press its compliance concerns with the Soviet Union through diplomatic channels, and insist upon explanations, clarifications, and corrective actions. At the same time, the United States is continuing to carry out its

own obligations and commitments under relevant agreements. For the future, the United States is seeking to negotiate new arms control agreements that reduce the risk of war, enhance the security of the United States and its Allies, and contain effective verification and compliance provisions.

We should recognize, however, that ensuring compliance with arms control agreements remains a serious problem. Better verification and compliance provisions and better treaty drafting will help, and we are working toward this in ongoing negotiations. It is fundamentally important, however, that the Soviets take a constructive attitude toward compliance.

The Executive and Legislative branches of our government have long had a shared interest in supporting the arms control process.

Finding effective ways to ensure compliance is central to that process. I look forward to continued close cooperation with the Congress as we seek to move forward in negotiating genuine and enduring arms control agreements.

Sincerely,

/s/ RONALD REAGAN.

The Fact Sheet provided to the Congress with the classified report is quoted below:

FACTSHEET

(The President's Report to the Congress on Soviet Noncompliance with Arms Control Agreements)

Commitment to genuine arms control requires that all parties comply with agreements. Over the last several years the U.S.S.R. has taken a number of actions that have prompted renewed concern about an expanding pattern of Soviet violations or possible violations of arms control agreements. Because of the critical importance of compliance with arms control agreements, about one year ago the President established an interagency Arms Control Verification Committee, chaired by his Assistant for National Security Affairs, to address verification and compliance issues. In addition, many members of Congress expressed their serious concerns, and the Congress mandated in the FY 84 Arms Control and Disarmament Act Authorization that "The President shall prepare and transmit to the Congress a report of the compliance or noncompliance of the Soviet Union with existing arms control agreements to which the Soviet Union is a Party."

The President's Report to Congress covers seven different matters of serious concern regarding Soviet compliance: chemical, biological, and toxin weapons, the notification of military exercises, a large new Soviet radar being deployed in the Soviet interior, encryption of data needed to verify arms control provisions, the testing of a second new intercontinental ballistic missile (ICBM), the deployment status of an existing Soviet ICBM, and the yields of underground nuclear tests. Additional issues of concern are under active study.

Soviet violations of arms control agreements could create new security risks. Such violations deprive us of the security benefits of arms control directly because of the military consequences of known violations, and indirectly by inducing suspicion about the existence of undetected violations that might have additional military consequences.

We have discussed with the Soviets all of the activities covered in the report, but the Soviets have not been willing to meet our

basic concerns which we raised in the Standing Consultative Commission in Geneva and in several diplomatic demarches. Nor have they met our requests to cease these activities. We will continue to pursue these issues.

THE FINDINGS

The Report examines the evidence concerning Soviet compliance with: the 1972 Biological Weapons Convention (BWC) and the 1925 Geneva Protocol and customary international law, the 1975 Helsinki Final Act, the 1972 ABM Treaty, the unratified SALT II Treaty, and the unratified Threshold Test Ban Treaty (TTBT) signed in 1974. Preparation of the Report entailed a comprehensive review of the legal obligations, political commitments under existing arms control agreements, and documented interpretations of specific obligations, analyses of all the evidence available on applicable Soviet actions, and a review of the diplomatic exchanges on compliance issues between the U.S. and the Soviet Union.

The findings for the seven issues covered in the Report, as reviewed in terms of the agreements involved, are as follows:

1. Chemical, biological, and toxin weapons

Treaty Status: The 1972 Biological and Toxin Weapons Convention (the BWC) and the 1925 Geneva Protocol are multilateral treaties to which both the U.S. and U.S.S.R. are parties. Soviet actions not in accord with these treaties and customary international law relating to the 1925 Geneva Protocol are violations of legal obligations.

Obligations: The BWC bans the development, production, stockpiling or possession, and transfer of: microbial or other biological agents or toxins except for a small quantity for prophylactic, protective or other peaceful purposes. It also bans weapons, equipment and means of delivery of agents or toxins. The 1925 Geneva Protocol and related rules of customary international law prohibit the first use in war of asphyxiating, poisonous or other gases and of all analogous liquids, materials or devices; and prohibits use of bacteriological methods of warfare.

Issues: The study addressed whether the Soviets are in violation of provisions that ban the development, production, transfer, possession and use of biological and toxin weapons.

Finding: The Soviets, by maintaining an offensive biological warfare program and capabilities and through their involvement in the production, transfer and use of toxins and other lethal chemical warfare agents that have been used in Laos, Kampuchea and Afghanistan, have repeatedly violated their legal obligations under the BWC and customary international law as codified in the 1925 Geneva Protocol.

2. Helsinki Final Act—Notification of military exercises

Legal Status: The Final Act of the Conference on Security and Cooperation in Europe was signed in Helsinki in 1975. This document represents a political commitment and was signed by the United States and the Soviet Union, along with many other states. Soviet actions not in accord with that document are violations of their political commitment.

Obligation: All signatory states of the Helsinki Final Act are committed to give prior notification of, and other details concerning, major military maneuvers, defined as those involving more than 25,000 ground troops.

Issues: The study examined whether notification of the Soviet military exercise

Zapad-81, which occurred on September 4-12, 1981, was inadequate and therefore a violation of their political commitment.

Finding: With respect to the Helsinki Final Act, the U.S.S.R. by its inadequate notification of the Zapad-81 military exercise, violated its political commitment under this Act to observe the Confidence-Building Measure requiring appropriate prior notification of certain military exercises.

3. ABM Treaty—Krasnoyarsk radar

Treaty Status: The 1972 ABM Treaty and its subsequent Protocol ban deployment of ABM systems except that each party can deploy one ABM system around the national capital or at a single ICBM deployment area. The ABM Treaty is in force and is of indefinite duration. Soviet actions not in accord with the ABM Treaty are therefore a violation of a legal obligation.

Obligation: In an effort to preclude a territorial ABM defense, the Treaty limited the deployment of ballistic missile early warning radars, including large phased-array radars used for that purpose, to locations along the national periphery of each party and required that they be oriented outward. The Treaty permits deployment (without regard to location or orientation) of large phased-array radars for purposes of tracking objects in outer space or for use as national technical means of verification of compliance with arms control agreements.

Issue: The study examined the evidence on whether the Soviet deployment of a large phased-array radar near Krasnoyarsk in central Siberia is in violation of the legal obligation to limit the location and orientation of such radars.

Finding: The new radar under construction at Krasnoyarsk almost certainly constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty.

SALT II

Treaty Status: SALT II was signed in June 1979. It has not been ratified. In 1981 the United States made clear its intention not to ratify the Treaty. Prior to 1981 both nations were obligated under international law not to take actions which would "defeat the object and purpose" of the signed but unratified Treaty; such Soviet actions before 1981 are violations of legal obligations. Since 1981 the U.S. has observed a political commitment to refrain from actions that undercut SALT II as long as the Soviet Union does likewise. The Soviets have told us they would abide by these provisions also. Soviet actions contrary to SALT II after 1981 are therefore violations of their political commitment.

Three SALT II concerns are addressed: encryption, SS-X-25, and SS-16.

4. Encryption—Impeding verification

Obligation: The provisions of SALT II ban deliberate concealment measures that impede verification by national technical means. The agreement permits each party to use various methods of transmitting telemetry information during testing, including encryption, but bans deliberate denial of telemetry, such as through encryption, whenever such denial impedes verification.

Issue: The study examined the evidence whether the Soviets have engaged in encryption of missile test telemetry (radio signals) so as to impede verification.

Finding: Soviet encryption practices constitute a violation of a legal obligation prior to 1981 and a violation of their political commitment subsequent to 1981. The

nature and extent of encryption of telemetry on new ballistic missiles is an example of deliberate impeding of verification of compliance in violation of this Soviet political commitment.

5. SS-X-25—Second new type, RV weight to throwweight ratio, encryption

Obligation: In an attempt to constrain the modernization and the proliferation of new, more capable types of ICBM's, the provisions of SALT II permit each side to "flight test and deploy" just one new type of "light" ICBM. A new type is defined as one that differs from an existing type by more than 5 percent in length, largest diameter, launch-weight and throw-weight or differs in number of stages or propellant type. In addition, it was agreed that no single reentry vehicle ICBM of an existing type with a post-boost vehicle would be flight-tested or deployed whose reentry vehicle weight is less than 50 percent of the throw-weight of that ICBM. This latter provision was intended to prohibit the possibility that single warhead ICBM's could quickly be converted to MIRVed systems.

Issue: The study examined the evidence: whether the Soviets have tested a second new type of ICBM (the SS-X-25) which is prohibited (the Soviets have declared the SS-X-24 to be their allowed one new type ICBM); whether the reentry vehicle (RV) on that missile, if it is not a new type, is in compliance with the provision that for existing types of single RV missiles, the weight of the RV be equal to at least 50 percent of total throw-weight; and whether encryption of its tests impedes verification.

Finding: While the evidence is somewhat ambiguous, the SS-X-25 is a probable violation of the Soviets' political commitment to observe the SALT II provision limiting each party to one new type of ICBM. Furthermore, even if we were to accept the Soviet argument that the SS-X-25 is not a prohibited type of ICBM, based on the one test for which data are available, it would be a violation of their political commitment to observe the SALT II provision which prohibits (for existing types of single reentry vehicle ICBMs) the testing of such an ICBM with a reentry vehicle whose weight is less than 50 percent of the throw-weight of that ICBM. Encryption on this missile is illustrative of the impeding of verification problem cited earlier.

6. SS-16 ICBM—Banned deployment

Obligation: The Soviet Union agreed in SALT II not to produce, test or deploy ICBM's of the SS-16 type and, in particular, not to produce the SS-16 third stage, the reentry vehicle of that missile.

Issue: The study examined the evidence whether the Soviets have deployed the SS-16 ICBM in spite of the ban on its deployment.

Finding: While the evidence is somewhat ambiguous and we cannot reach a definitive conclusion, the available evidence indicates that the activities at Plesetsk are a probable violation of their legal obligation not to defeat the object and purpose of SALT II prior to 1981 during the period when the Treaty was pending ratification, and a probable violation of a political commitment subsequent to 1981.

7. TTBT—150 kt test limit

Treaty Status: The Threshold Test Ban Treaty was signed in 1974. The Treaty has not been ratified but neither Party has indicated an intention not to ratify. Therefore, both Parties are subject to the obligation

under international law to refrain from acts which would "defeat the object and purpose" of the TTBT. Soviet actions that would defeat the object and purpose of the TTBT are therefore violations of their obligation. The U.S. is seeking to negotiate improved verification measures for the Treaty. Both Parties have each separately stated they would observe the 150 kt threshold of the TTBT.

Obligation: The Treaty prohibits any underground nuclear weapon test having a yield exceeding 150 kilotons at any place under the jurisdiction or control of the Parties, beginning March 31, 1976. In view of the technical uncertainties associated with predicting the precise yield of nuclear weapons tests, the sides agreed that one or two slight unintended breaches per year would not be considered a violation.

Issue: The study examined whether the Soviets have conducted nuclear tests in excess of 150 kilotons.

Finding: While the available evidence is ambiguous, in view of ambiguities in the pattern of Soviet testing and in view of verification uncertainties, and we have been unable to reach a definitive conclusion, this evidence indicates that Soviet nuclear testing activities for a number of tests constitute a likely violation of legal obligations under the TTBT.

CONCLUSIONS

The President has said that the U.S. will continue to press compliance issues with the Soviets through confidential diplomatic channels, and to insist upon explanations, clarifications, and corrective actions. At the same time we are continuing to carry out our obligations and commitments under relevant agreements. We should recognize, however, that ensuring compliance with arms control agreements remains a serious problem. Improved verification and compliance provisions and better treaty drafting will help, and we are working toward this in ongoing negotiations. It is fundamentally important, however, that the Soviets take a constructive attitude toward compliance.

FUZZY ZOELLER WINS U.S. OPEN GOLF CHAMPIONSHIP

Mr. QUAYLE. Mr. President, I would like to direct your attention away, for a moment, from the serious issues under consideration to one of high achievement by a great athlete who was born and developed his talents in the State of Indiana.

Monday, Fuzzy Zoeller of New Albany, IN, won the U.S. Open Golf Championship against some of the world's best players. As any of you who watched the television coverage could see, he not only had the great skill and mental concentration that makes a champion but he also conducted himself in a sportsmanlike manner that represents the finest of traditions in all sports. Not only was he courteous to his fellow contestants, but he displayed good humor and friendly openness to the crowds, the media and the professional organizers who support the game.

Fuzzy began golfing when he was 5 years old. The son of Frank and Alma Zoeller, Fuzzy was raised in a golfing atmosphere. The family home was lo-

cated on the edge of a public golf course, built for community recreation. All through his youth, Fuzzy, the larger Zoeller family, and friends would contest each other up and down the fairways that were open to all who chose to play. Under the tutelage of his father and others who lent their aid, Fuzzy had the internal dedication and perseverance to develop his obvious skills to the highest and most disciplined level. He would play after school—some would say that he went to school when he wasn't playing golf—and in the summers until the game became a second nature.

There are reports that the reason he survived the difficulties of the wayward tee shots during the tournament was the variation on the game he developed to avoid discouraging fellow golfers who did not hit the ball as far as he did. From the earliest days, Fuzzy was able to reach many greens with one wood and a short iron, while others would have to make two drives to go the same distance. In order to equalize the game, and instead of using handicaps, the future champion would hit two shots off the tee and then let his opponent select the best. Fuzzy would then have to play his lesser shot which frequently would be found under a tree, in the long grass or some equally inaccessible spot. These years of playing worst-*lie* balls stood him in good stead last Sunday when several of his drives strayed off the back nine when he was coming down the stretch.

Fuzzy has also had to endure back problems which are critical to a sport like golf. The initial injury came when he was playing varsity basketball for New Albany High School against local rival Providence High School. During a season game his feet were knocked out from under him on a layup shot and he fell to the floor wrenching his back. This twist has been a source of continuing torment over the years but he has managed to overcome it.

After finishing high school he attended Edison Community College in Fort Myers, FL, where he starred on the golf team. Shortly after graduation he headed west, quickly won the qualifying school championship at Palm Springs, CA, and decided to turn professional. Several years later he won a major event, the San Diego Open, which made him eligible for the Masters Tournament. He made history when he became the first man to win this contest on his initial try. Over the past few years he has graced the sport not only with his great skill, but a constant good humor and bonhomie. He has offered the world a compelling view of a true sportsman and shown that civility on and off the course does not need to distract from the concentration that makes a champion.

Now Fuzzy has added the U.S. Open Golf Championship to previous

awards including the prestigious Masters' honor of wearing the green jacket. Last week's contest between the Australian, Greg Norman, and this Hoosier star brought new attention to the sport. People from all walks of life and age groups were caught up in the excitement of the tournament. Many saw the possibilities of playing a fascinating game and some will be forever dreaming of making a 68-foot putt themselves. That is the great joy of golf. It is an individual sport and can be played and shared by young and old, at many levels. No matter your degree of skill, it engages your attention and you always have the challenge of making the next round better than the last.

The recreational aspects of this sport are immense and as rural and urban areas develop more facilities—there are a growing number of public golf courses in the United States, not to mention those associated with existing communities—more young people, as well as Americans of all ages including the Nation's retirees, can become players of a relaxing yet invigorating sport.

I offer my congratulations to Fuzzy for his recent achievement, for his example of great sportsmanship and for his enthusiasm and support for a game that can be enjoyed by all.

STEPHEN J. BOLLINGER

Mr. PERCY. Mr. President, I was deeply disturbed yesterday morning to learn that Stephen J. Bollinger, Assistant Secretary for Community Planning and Development at HUD, died Monday of a heart attack in Savannah, GA. He was only 36 years old. Steve's tragic and unexpected death is a terrible loss for his wife, Lin; his three young daughters; and for all of us.

Steve was one of the finest public servants I have worked with—he was dedicated to public service in a very special and unique way. He had a gift for doing his best to satisfy the needs of individuals as well as those of the Nation. Steve was truly a pragmatist, finding ways to make housing programs work, instead of finding reasons why they would not work. He had a tremendous amount of energy. The personal enthusiasm he showed in his work was, and will continue to be, an inspiration to all of us.

I worked closely with Steve on many programs which affected my State and was impressed with his compassion for people and the humanistic spirit he brought to economic programs. He also had a great ability to take complex ideas and programs and make them understandable, and, most important, to make them work.

In my short experience with him, we were able to achieve UDAG grants suf-

ficient to attract a billion dollars of private capital which put to work more than 25,000 people who would not have had jobs had it not been for his foresight, his wisdom, and his support of those programs.

As Secretary Pierce so aptly described in his eulogy for Steve, he was a young man who gained—and earned—the respect and admiration of everyone.

We will all miss Steve Bollinger.

CENTRAL AMERICAN DEVELOPMENT ORGANIZATION (CADO)

Mr. DECONCINI. Mr. President, Central America has been and continues to be a trouble spot for the fulfillment of U.S. foreign policy goals for this administration. The region has captured U.S. attention as a result of political, social and economic problems indigenous to the area, which have severely been aggravated by external factors. The release of the report of National Bipartisan Commission on Central America in January of this year attempted to help direct U.S. foreign policy, not only to immediate needs of the region, but also to long-term needs, especially in El Salvador and Nicaragua. It has failed to take seriously a wider perspective of the crisis in Central America. We must not neglect long-term strategies for development in Central America, for these are imperative if stability, peace, and democracy are to be feasible realities of U.S. foreign policy. However, we must look very closely at the cost of these strategies and ensure that the money involved can be well spent.

The Central American Development Organization [CADO] is a proposal contained in the Kissinger Commission report for the attainment of long-term goals in Central America. It is a proposal which I believe should be taken seriously, because it deals directly with the core of regional problems of our Latin American neighbors. The goals of the organization are: First, to bring together the most knowledgeable development specialists from participating countries to shape and assess long-term efforts to overcome impediments for growth; second, to help the United States avoid costly mistakes of past administrations; and, finally, third, to create the capacity for Central American countries to absorb United States and international aid.

Mr. President, I call my colleagues attention to an article written by Irving G. Tragen, a retired U.S. diplomat who is now executive officer to the Executive Secretary for Economic and Social Affairs of the OAS. Mr. Tragen's concise analysis of the importance of a regional focus toward Central America and of the utility of CADO in achieving this focus should be considered by all of us before we

act on any long-term proposals for Central America. We must continue to investigate means by which we can successfully achieve our foreign policy goals in Central America. It is crucial that we have a number of options to choose from if we are to follow the most feasible plan for promoting stability and peace in Central America.

I ask unanimous consent that the article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CENTRAL AMERICAN DEVELOPMENT AGENCY MERITS SUPPORT

(By Irving G. Tragen)

(EDITOR'S NOTE.—In this first of two parts of an analysis of the Kissinger report, Irving Tragen emphasizes the importance of CADO, the Central American Development Organization.)

Since the National Bipartisan Commission on Central America, chaired by Dr. Henry A. Kissinger, published its report, reams of paper have been filled with critiques of its security, political, economic, human rights and social dimensions. Questions have been raised by advocates and critics about the capacity of Central American economies to absorb the billions of dollars in financial assistance prescribed.

Debates have been held on whether U.S. aid could have a positive impact on the well-being and standards of living of the common people of the Isthmus in the face of corruption in the public sector and institutional weaknesses. All of these are valid issues which need to be faced not merely today but tomorrow—unfortunately they were not addressed systematically over the past two decades as conditions in Central America deteriorated.

However, little attention has been given to one recommendation which truly merits consideration: namely the creation of a mechanism to focus on the problems of the area for the long-term, the Central American Development Organization (CADO). CADO is the first proposal by a senior U.S. policy group on Latin America in over a decade—since the Alliance for Progress—which looks at the problems of the area beyond their immediate manifestations.

LONG TIME BUILDING

The deterioration in Central America was a long time building. Those of us working in the Isthmus in the late 1960s and throughout the 1970s were reporting the multiplying signs of political, economic, social and human disruption in each and all of the countries of Central America. The signs were omni-present by the mid-1970s that Central America was a smoking volcano on the western edge of the Caribbean—the U.S.'s shared border with over 25 nations of the Western Hemisphere. Was anybody in Washington interested, or where the problems of the area so eclipsed by Watergate and Vietnam that no senior officials had time for them? Does it take the TV camera and the violence it covers to get the government and the people of the United States to rivet their concerns on their vital interests?

Only when the volcano exploded with the Sandinista uprooting of the Somoza Dynasty in 1978-1979 did high level attention turn grudgingly to the problems of the Isthmus. Then, it was too late to avoid the tragedy for millions of Central Americans caught in

the maelstrom. And, it was too late for the U.S. to minimize the potential damage through carefully orchestrated political, financial and developmental measures which would have been more positive and far less costly than the options now facing us.

The experience of the past 20 years demonstrates the imperative of establishing a mechanism with access to senior U.S. policymakers that specializes and concentrates on the development of Central America on a sustained, long-term basis. The proposal by the Commission for CADO may well fill this need and CADO could be one of the most important long-term projections of the work of the Commission.

CADO warrants far more study than it has been given to date. CADO can well be the focal point for shaping U.S. policy in the region for the next several decades: for building bridges between the U.S. and our Latin American neighbors, for developing common lines for future action in conjunction with the international lending agencies, the OAS, the UN Economic Commission for Latin America, Central American institutions and other interested agencies, and for implementing a far-reaching development program which can effectively help Central Americans move positively toward a more democratic society.

The troubles in Central America did not boil up overnight. And, they will not go away overnight even with a multibillion dollar commitment of developmental support. The Commission Report provides a framework for understanding the problems besetting Central America. Its diagnosis is far more persuasive than many of its proposed solutions.

The problems of the area have been there for all of us to see since the end of World War I. The Banana Republics have been in the same throes of change as that which swept across Mexico in the 1910s. The traditional feudal-mercantile economic and social order has been progressively disintegrating under the pressure of rising expectations, the international economic system and the communications revolution.

Upheaval and repression, occasional successes and frequent setbacks characterize the last half-century of the Isthmus, a period in which the United States generally misread the process and all too often dug in with the status quo.

FORCED LEFT TURNS

This U.S. reaction frequently forced even democratic anti-Marxist reformers to turn to the extreme left for support, isolating the United States from the leadership of the *change process*. The irony for the United States was that many of the leaders of this *change process* were trained in American universities and were inspired by our own 1776 Revolution and our historical evolution. We, in the United States, thought that we understood this *change process*.

We thought that there was time for an orderly evolution. However, bulging populations, political inadequacies and economic crises bred popular frustration. Frustration led to polarization and violence, the voices of moderation were the first to be eliminated. The political center was decimated in several of the countries.

However, Central America is not homogeneous. Each of the five countries is unique, with its own local problems, its own power structures, even its own mix of values and ethical standards. There are great differences in the levels of education among the countries and within each one in urban and

rural areas. The structures which bind societies together have different dimensions and characteristics. Nonetheless, there is a common aspiration by the rural and urban people in all five countries to improve their standard of living and to create more and better opportunity for their children.

To relate to and to realistically approach the reality of Central America and its people in the 1980s, there must be a more in-depth understanding of the forces at work, and a more realistic shaping of support in the United States for the change process, and a recognition that the change must come from within the Isthmus, not super-imposed by external forces, and a commitment of long-term support for democratic evolution.

It is this context that the proposal for creating CADO, as spelled out in pages 59 to 63 of the Report, are compelling.

CADO offers an opportunity to bring together the most knowledgeable development specialists from the participating countries, including the United States, in shaping and assessing longer-term efforts to overcome the impediments to growth in Central America. The U.S. experts assigned to CADO can provide elements of judgment for our Executive and Congress in their assessment of policy options. CADO can materially help the U.S. avoid the repetition of costly mistakes and reinventing the wheel every time that the change process underway in Central America inevitably erupts into a new crisis.

SENATOR THOMAS F. EAGLETON

Mr. DIXON. Mr. President, it is with sadness that I note the recent announcement of my respected colleague, Senator THOMAS EAGLETON, that he will retire from this body when his current term expires in 2 years.

After a distinguished public service career spanning three full decades, TOM EAGLETON will in 1986 return to private life and to the family he loves so much.

His career, Mr. President, has been a steady stream of accomplishments, achieved through dedication and intelligence. After law school at Harvard, he served the people of Missouri first as circuit attorney, and then as attorney general, where he spearheaded successful battles against consumer fraud that saved the public millions of dollars.

Senator EAGLETON then took his already impressive record before his constituents in a race for Lieutenant Governor, and he soundly triumphed by more than half a million votes. Turning his attention to educational issues as chairman of a high-level Governor's commission, he was instrumental in the creation of Missouri's statewide network of pioneering vocational-tech high schools.

Having already accomplished in 12 years what others toil decades to achieve, TOM EAGLETON then decided to pursue his dream of serving in the U.S. Senate. With the support of his family, he headed to Washington at the age of 39.

Once again, as history will surely remember, he met the challenge flawlessly. Almost immediately, in fact, THOMAS EAGLETON made his mark as one of the Senate's rising young stars. Courageous, conscientious, and highly principled, he commenced a three-term career that has been—in a word—"remarkable."

One of many examples of his determined leadership that immediately comes to mind is his initiative to cut off funds for the Vietnam war, which eventually led to the withdrawal of American troops from Southeast Asia. But whether working for clean air and water, for older Americans and for schoolchildren, or for reform of the Federal bureaucracy and elimination of waste, TOM EAGLETON has continually and consistently shown his dedication, his mettle, and his forthright honesty—traits that have served him and his Nation so well.

Mr. President, I wish the distinguished senior Senator from Missouri the very best in all his endeavors in the future, and, on behalf of all Illinoisans, thank him for his service to the Nation.

TRIBUTE TO WILLIAM S. WHITE

Mr. RIEGLE. Mr. President, a historic day is approaching with the opening of Auto World in Flint, MI. This project represents the dreams and desires of many people in this community, and it stands as a symbol of the community pride which is evident in Flint. It is with this in mind that I wish to acknowledge the achievements of William S. White, president and chief executive of the Mott Foundation. Organized in 1926 by Charles Stewart Mott, the Mott Foundation has touched thousands individually, and has created or helped to shape health, education, recreation, and economic and community development programs throughout Flint, the State of Michigan, and the Nation.

William White came to the foundation in the early seventies, recognizing the need to update the organization to better meet the changing demands of a changing society. As evidence of this philosophy, the Mott Foundation has been a major force in turning the ideas of yesterday into the reality of today. From the undertaking of Auto World to its completion, the Mott Foundation has been an integral supporter of this project, both spiritually and financially, under the direction and guidance of William White.

Today the Mott Foundation continues to grow and prosper in an ever-changing society, and much of this is to the credit of the fine counsel from Mr. White. As Charles Stewart Mott once said: "Let us be known by our deeds." It is with this thought in mind that I would like to commend the actions of Mr. White, and know that

Auto World is truly a monument of this determination.

EXCELLENCE IN EDUCATION: CENTRAL FALLS LEADS THE WAY

Mr. CHAFEE. Mr. President, efforts are underway in local school districts across the country to improve the level of instruction and achievement in our Nation's public schools. Central Falls, RI, is in the forefront of this exciting endeavor.

Leadership from the Federal Government continues to play an important role in encouraging school improvement, and in the past year the States have made a number of positive initiatives. However, reform is most meaningful when it originates at the local level, in response to local problems and priorities. Local education leaders have begun to assess the needs of their schools and are taking action to address them.

In the city of Central Falls, RI, School Superintendent John DeGoes has taken the lead in efforts to enhance the educational environment. The school department has initiated more stringent homework requirements and was the first in Rhode Island to adopt a system for testing the competency of new teachers.

In order to expand academic opportunities, school leaders in Central Falls are formulating a plan to initiate half-day Saturday sessions. John DeGoes has proposed optional Saturday classes in order to provide additional instructional time. This will provide enrichment for advanced students and valuable help for those who desire remedial work.

Under the leadership of John DeGoes, Central Falls has demonstrated a welcome willingness to experiment with innovative approaches for improving education. These efforts were recently recognized in an editorial in the Providence Journal. Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Providence (RI) Journal, June 17, 1984]

CENTRAL FALLS SHOWS THE WAY

When it comes to upgrading education, Central Falls is showing Rhode Island the way to go. The state's smallest city was the first to institute competency testing of new teachers. A stricter homework policy also has been established. Now, the School Department is embarking on a plan to offer Saturday classes to students who want extra help. Steps like these are bound to raise school standards.

The optional, half-day Saturday sessions constitute a unique approach. Supt. John DeGoes got the idea from national studies which noted the success of longer classroom

time in Europe and Japan. His interest sparked the Central Falls School Committee to vote \$4,000 recently for a summerlong study of how to set up the program. Teachers will join in this review. Assuming all goes well, and additional funding can be obtained for the experiment, Central Falls pupils soon will have an extra educational opportunity. Advanced students and those struggling with schoolwork are considered the likeliest to take advantage of it.

"I think it's an exciting proposition," one School Committee member said. "You never know how far this type of program can go." It certainly can go a long way toward making needed improvements in the public school system. Central Falls is setting an admirable pace in this direction. Other Rhode Island communities would do well to do as much.

UPDATE ON PREPUBLICATION REVIEW

Mr. MATHIAS. Mr. President, the issue of prepublication review requirements for the speeches and writings of present and former Federal employees is once again in the news. On June 11, the General Accounting Office released the results of an investigation on this subject requested by the chairmen of two committees of the House of Representatives. The GAO's report makes it clear that the questions surrounding censorship of former Government officials have not been fully resolved, and that the Congress should take a more active role in balancing the free expression rights of individual employees against the requirements of national security.

Because there has been little activity in the Senate on the prepublication review question over the past several months, this may be an opportune time to bring my colleagues up to date on the status of this issue.

Senators will recall that, on October 20, 1983, the Senate, by a vote of 56 to 34, accepted an amendment to the State Department authorization bill on the topic of prepublication review. That amendment, which I proposed along with the senior Senator from Missouri [Mr. EAGLETON], and several of our colleagues, was accepted by the conference committee, and was incorporated in the bill signed by President Reagan on November 22. The amendment, which now appears as section 1010 of Public Law 98-164, reads as follows:

PREPUBLICATION REVIEW OF WRITINGS OF FORMER FEDERAL EMPLOYEES

SEC. 1010. The head of a department or agency of the Government may not, before April 15, 1984, enforce, issue, or implement any rule, regulation, directive, policy, decision, or order which (1) would require any officer or employee to submit, after termination of employment with the Government, his or her writings for prepublication review by an officer or employee of the Government, and (2) is different from the rules, regulations, directives, policies, decisions, or orders (relating to prepublication review of such writings) in effect on March 1, 1983.

The purpose of this amendment, as its proponents explained on the Senate floor, was to delay the implementation of a broad, new prepublication review agreement that had been promulgated pursuant to National Security Decision Directive 84. The intention was to restore the status quo that existed before NSDD-84 was issued in March 1983. That status quo included some use of prepublication review agreements, with lifetime coverage, even outside the intelligence agencies.

The Mathias-Eagleton amendment permitted the continued use of these agreements in some Federal agencies, specifically, in those agencies that were employing them prior to March 1, 1983. The amendment halted the use of the new prepublication review agreement promulgated pursuant to NSDD-84, and forbade the institution of the old agreement in those agencies that were not using it prior to March 1, 1983.

The moratorium imposed by section 1010 of Public Law 98-164 expired by its own terms on April 15, 1984. Before that date, however, the administration took unilateral steps to extend its effectiveness. First, on February 17, 1984, the White House issued a memorandum directing that implementation of two provisions of [NSDD-84] be held in abeyance. One of these provisions was paragraph 1(b) of NSDD-84, upon the authority of which the new prepublication review agreements had been issued.

Some uncertainty remained about the status of this provision of NSDD-84, even after issuance of the February 17 memorandum. Accordingly, on March 20, 1984, the President's National Security Adviser, Robert C. McFarlane, wrote to Representative PATRICIA SCHROEDER, whose subcommittee of the House Post Office and Civil Service Committee was then considering legislation on the subject of prepublication review requirements.

Mr. McFarlane assured Representative SCHROEDER that the administration wanted to work cooperatively with Congress to develop a mutually acceptable solution to the problem, and that the controversial provisions of NSDD-84, including the provision authorizing broader prepublication review agreements, would not be reinstated during the current session of Congress. Mr. McFarlane also agreed to notify the Congress at least 90 days in advance of any plan to revive these provisions.

At the time that these announcements were made, I applauded the administration for its cooperation in accommodating the concerns of Congress about this important issue. I want to take this opportunity to express again my appreciation for this sensible decision, and to say that I have every confidence that the admin-

istration will continue to treat this issue as an opportunity for constructive collaboration with the Congress.

Mr. President, because of the importance of the February 17 memorandum, and of the March 20 McFarlane letter, to an understanding of the current status of the prepublication review issue, I ask unanimous consent that the full text of each document be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 17, 1984.

MEMORANDUM FOR ALL HOLDERS

Subject: Implementation of National Security Decision Directive-84, Safeguarding National Security Information.

The President remains concerned that unauthorized disclosures of classified information on our diplomatic, military, and intelligence activities threaten our ability to carry out national security policy. He is committed to working with the Congress to resolve this longstanding threat to our national security.

In order to permit sufficient opportunity to resolve concerns raised in the Congress concerning certain provisions of NSDD-84, the President has directed that implementation of two provisions of that directive be held in abeyance.

Paragraph 1.b. The Director of Central Intelligence memorandum of January 10, 1984, subject: Nondisclosure Agreement for Sensitive Compartmented Information, which directs the continued use of nondisclosure agreements for sensitive compartmented information in effect on or before March 11, 1983, pertains. The moratorium on the use of the revised nondisclosure agreement (Form 4193 Rev.) for sensitive compartmented information which was developed in response to paragraph 1.b. is continued pending further notice.

Paragraph 5. Further efforts to develop implementing regulations in response to paragraph 5 regarding the use of polygraphs in investigations of unauthorized disclosures are suspended pending further notice.

All other provisions of NSDD-84 remain in effect and implementation should proceed expeditiously.

THE WHITE HOUSE,

Washington, DC, March 20, 1984.

HON. PATRICIA SCHROEDER,
Chairwoman, Subcommittee on Civil Service,
Committee on the Post Office and Civil Service,
U.S. House of Representatives,
Washington, DC.

DEAR MADAM CHAIRWOMAN: It has come to my attention that, in the course of your Subcommittee's consideration of H.R. 4681, questions have arisen as to the status of two provisions of National Security Decision Directive 84 (NSDD-84). I am writing to clarify the status of that directive.

The President issued NSDD-84 because of serious concern about the damage to intelligence sources caused by unauthorized disclosures of classified information. Both anonymous leaks to the press and unauthorized disclosures in the writings of former officials have caused losses of sensitive intelligence information. This has been a problem in past administrations as well, prompting the congressional intelligence committees to

urge more vigorous action in investigating and prosecuting leak cases.

Following the adoption of NSDD-84 in March of last year, however, various Members of Congress expressed concern about two provisions of the directive: paragraph 1 (b), which authorized broader use of prepublication clearance agreements, and paragraph 5, relating to the use of the polygraph in leak investigations. Amendments to the State and Defense Authorization bills were adopted last year barring the Administration from implementing either of these two proposals until April 15 of this year.

Rather than resume the legislative debate on the merits of NSDD-84, we would prefer to work cooperatively with Congress to develop a mutually-acceptable solution to this problem. Therefore, at the direction of the President, I issued a memo to all agencies affected by NSDD-84, directing that "implementation of two provisions of that directive be held in abeyance." I understand that you and other Members of Congress have expressed concern that, unless legislation is passed to extend the legislative prohibitions that expire on April 15, paragraphs 1(b) and 5 of NSDD-84 might be reinstated. I can assure you that is not now, and never has been, our intention.

The President has authorized me to inform you that the Administration will not reinstate these two provisions of NSDD-84 for the duration of this session of Congress. It is our hope that, over the coming months, you and other Members of Congress will work with the Administration in the spirit of cooperation to devise a solution to the problem of unauthorized disclosures of classified information. Because H.R. 4681 does not present a solution to this problem, we are opposed to its enactment.

This is a serious problem that will not go away, and we therefore cannot completely foreclose future action along the lines of NSDD-84 if a legislative solution to unauthorized disclosures is not found. I would reiterate, however, that no such action will be taken for the duration of this session. Moreover, in order to facilitate congressional involvement in any future action to address this problem, the Administration will notify your Subcommittee of any such intended action at least 90 calendar days prior to its effective date.

I trust that this will resolve questions about the status of NSDD-84 and permit your Subcommittee to proceed to consider H.R. 4681 without the pressure of an April 15 deadline.

Sincerely,

ROBERT C. MCFARLANE.

U.S. GENERAL ACCOUNTING OFFICE,

Washington, DC, June 11, 1984.

Subject: Polygraph and Prepublication Review Policies of Federal Agencies (GAO/NSIAD-84-134).

Hon. JACK BROOKS,
Chairman, Committee on Government Operations, House of Representatives.

DEAR MR. CHAIRMAN: The April 4, 1984, letter from you and the Chairman, Committee on Post Office and Civil Service, requested that we assist the committees in their ongoing efforts examining the effects of National Security Decision Directive-84 (NSDD-84). (See encl. V.)

On April 23, 1984, you and Chairman Ford sent a questionnaire to those agencies and offices that handle classified information. The major purpose of the questionnaire was to determine the effect of the two provisions of NSDD-84 that require (1) all indi-

viduals with sensitive compartmented information (SCI) access to sign a nondisclosure agreement containing a prepublication review requirement and (2) all agencies to revise existing policies and regulations as necessary so that employees could be required to submit to a polygraph examination during the course of an investigation of an unauthorized disclosure of classified information.

Most of the information you requested from the agencies is included in summary form in enclosure I. It includes actual figures as well as estimated figures where data were not readily available. As agreed with your office, we did not verify the information reported by the agencies, but we did request clarification in many cases.

Agencies were asked to respond to the questionnaire within 15 days. By June 5, however, (six weeks after your request) eight agencies and offices had not responded; therefore, data pertaining to them is not included in the information contained in this report. The eight are: the U.S. Arms Control and Disarmament Agency, Department of Energy, Environmental Protection Agency, Interstate Commerce Commission, Department of Justice, Office of Management and Budget, U.S. Trade Representative, and the Executive Office of the President. Forty-three agencies responded to the questionnaire, including a partial response of the Department of the Treasury. We counted the Department of Defense, including the military services, as one response. This report does not include data on the National Security Agency and Central Intelligence Agency because of the sensitivity of their operations.

The following sections summarize information relative to prepublication review requirements, unauthorized disclosures of classified information, and polygraph examinations.

PREPUBLICATION REVIEW REQUIREMENTS

Most agency employees who had access to sensitive compartmented information (SCI), already had signed nondisclosure agreements (Form 4193 or a form similar thereto) with the prepublication review requirement before the President suspended indefinitely that provision of NSDD-84 on February 15, 1984. Twenty-three agencies reported that, as of December 31, 1983, 119,000 of their employees had SCI access and almost all had signed the agreements which contain the lifetime prepublication review requirement. An unknown number of former employees also had signed the agreements. The Department of Defense estimated that, of 156,000 military and civilian employees who had signed agreements, about 45,000 were former employees and employees reassigned to duties not requiring SCI access.

It is also possible that employees working on other than SCI special access programs had signed agreements similar to those used for SCI access. According to Executive Order 12356, which took effect August 1, 1982, an agency head may create a special access program when (1) normal management and safeguarding procedures do not limit access sufficiently and (2) the number of persons with access is limited to the minimum necessary to meet the objective of providing extra protection of the information. At the end of calendar year 1983, there were about 100 non-SCI special access programs, compared to about 30 in 1979. Agencies reported that 27,500 government employees and 21,600 contractor employees were involved in non-SCI special access programs. (See encl. II).

The Federal Emergency Management Agency told us that a prepublication review requirement is part of the agreement that individuals must sign for access to two of its special access programs. (At the present time, however, those subject to this provision may delete that section of the agreement pertinent to prepublication review). We do not know how many more special access programs may contain similar prepublication review requirements.

Twelve agencies indicated that, regardless of whether they have SCI access, employees must comply with prepublication review requirements. In most cases, however, agencies do not require employees to sign nondisclosure agreements as part of these prepublication review requirements. Further, the requirements imposed by these regulations do not apply to former employees. (See encl. III.)

UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION

Four agencies (the Department of Commerce, Defense, and State, and the Nuclear Regulatory Commission) reported having 43 unauthorized disclosures of classified information during calendar year 1983. One was made through a published writing or speech (by a then-current employee of a contractor). None were made by former employees through published writings or speeches.

POLYGRAPH EXAMINATIONS

Nine agencies told us that their employees were given 11,178 polygraph examinations in calendar year 1983, and four of the nine employed a total of 131 polygraph operators (see encl. IV). Of these agencies, the Department of Defense employed 123 polygraph operators and gave 10,502 examinations. Practically all examinations given by the other agencies were given in connection with criminal or specific incident investigations. The General Services Administration and Postal Service have regulations that limit the voluntary use of the polygraph to criminal investigations.

The number of pre-access screening examinations given by the Department of Defense in 1981, 1982, and 1983 were as follows:

	1981	1982	1983
Total number of polygraph examinations.....	6,556	8,657	10,502
Examinations for pre-access screening.....	45	1,176	3,105

The pre-access screening examinations given in 1983 include about 3,000 examinations that are part of an Air Force program testing the use of the polygraph.

When asked about plans to employ additional polygraph operators, Defense stated that it plans to hire 50 additional operators, and that these operators would permit an additional 10,000 screening type examinations annually.

Enclosure.

RESPONSES TO QUESTIONS OF THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS AND THE HOUSE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

(All 51 executive branch agencies that handle classified information were queried; however, 8 did not respond. The responses from the remaining 43 are included below.)

Question 1: Approximately how many full- and part-time people were employed by the federal government as of December 31, 1983?

Response: In the 43 agencies that responded, there were 5,025,580 federal civilian and military personnel.

Question 2: Approximately how many federal employees and contractor employees had security clearances as of December 31, 1983?

Response: There were about 2.6 million federal and 1.3 million contractor employees, of the 43 responding agencies, with security clearances at the levels shown below.

Level of clearance	Federal employees	Contractor employees
Top secret.....	517,578	111,912
Secret.....	2,129,557	904,540
Confidential.....	33,286	304,852
Total.....	2,680,421	1,321,304

Of the total number of federal employees—5,025,580, about 10 percent had top secret clearances and 42 percent had secret clearances.

Question 3: How many federal and contractor employees had access to Sensitive Compartmented Information (SCI) as of December 31, 1983?

Response: There were a total of 118,899 federal employees and 11,041 contractor employees with SCI access.

Question 4: Do agencies consider SCI to be a special access program? Under what authority?

Response: Eighteen agencies considered SCI to be a special access program. They cited the following authorities:

Executive Order 12356;
The Director of Central Intelligence;
National Security Decision Directive-84;
Director of Central Intelligence Directive 1/14.

Question 5: How many agencies have special access programs as authorized under Executive Order 12356 or similar programs under some other authority?

Response: Six agencies had special access programs or participated in such programs of other agencies.

Question 6: How many agencies used the polygraph during calendar year 1983?

Response: Nine agencies used the polygraph or had their employees take polygraph examinations administered by other agencies in calendar year 1983.

Question 7: How many polygraph operators did agencies employ as of December 31, 1983, and how many operators did they have under contract?

Response: As of December 31, 1983, four agencies employed a total of 131 polygraph operators, and had 2 under contract.

Question 8: Do agencies expect to hire or contract for additional polygraph operators? How many and why?

Response: The Department of Defense expects to hire an additional 50 examiners in order to conduct 10,000 more screening polygraph examinations.

The Postal Service expects to hire 3 more polygraph operators. This is to improve turnaround time on examinations and reduce operator workload.

Question 9: How many polygraph machines did agencies own as of December 31, 1983? How many did they procure during calendar year 1983, and how many more do they expect to procure?

Response: Four agencies owned a total of 256 polygraph machines as of December 31, 1983. They procured 2 of these during calendar year 1983. They expect to procure 30 more polygraph machines in the future.

Question 10: Why were polygraph examinations of agency employees conducted? How many of these examinations were conducted of agency employees for calendar years 1979 through 1983? How many were conducted by the agency and how many were conducted by other agencies or by contractors?

Response: The following tabulation shows the number of polygraph examinations given to employees of the nine agencies for various reasons during calendar years 1979 through 1983:

ENCLOSURE I

	1979	1980	1981	1982	1983
Criminal or specific incident investigations:					
Conducted by agency.....	6,697	7,256	6,909	7,802	7,657
Conducted by other agencies or contractors.....	4	8	16	27	34
Preemployment screening:					
Conducted by agency.....	13	18	13	28	16
Conducted by other agencies or contractors.....	0	0	0	0	1
Preaccess screening:					
Conducted by agency.....	65	53	45	1,176	3,105
Conducted by other agencies or contractors.....	0	0	0	0	3
Subsequent screening:					
Conducted by agency.....	0	0	0	0	0
Conducted by other agencies or contractors.....	0	0	2	2	1
Other:					
Conducted by agency.....	242	271	302	298	361
Conducted by other agencies or contractors.....	0	0	0	0	0
Total.....	7,021	7,606	7,287	9,333	11,178

Question 11: How many agencies require employees to submit to any prepublication review procedure (other than to review official statements on behalf of the agency)? How many employees do these procedures cover?

Response: Twelve agencies required their employees to submit to prepublication review. Prepublication review procedures cover 3,423,418 agency employees.

Question 12: For each calendar year since 1979, how many books, articles, speeches, and other materials were reviewed during the prepublication review process?

Response: The following tabulations show the types and quantities of information reviewed during calendar years 1979 through 1983. Separate tabulations are shown for the Department of Defense (DOD) and the other respondents because DOD combined books and articles and because the Department of the Army responded in number of pages reviewed for 1982 and 1983.

	1979	1980	1981	1982	1983
Department of Defense:					
Books/articles.....	2,994	3,133	2,784	6,457	10,088
Speeches.....	1,320	1,360	871	2,237	2,020
Other.....	4,816	4,344	5,178	4,713	5,102
Number of pages—Army.....				92,918	77,404
Other 11 respondents:					
Books.....	18	22	19	17	34
Articles.....	4,754	4,774	4,814	5,363	5,461
Speeches.....	11	50	43	352	365
Other.....	5,013	5,018	5,009	5,371	5,294

Question 13: What was the average number of working days that elapsed from the date of receipt of a request for prepublication review of a document to the date that the requestor was informed of the final results?

Response: The 12 agencies reported the following range of time (in days) for the prepublication review process:

Number of days: Books, 2 to 20; Articles, 1 to 11; Speeches, 2 to 10; others, 4 to 8.

Question 14: During calendar year 1983, approximately how many employees were assigned and how many working days were used for prepublication reviews?

Response: Responding agencies assigned a total of about 211 full-time employees and used 5,268 working days for prepublication reviews.

Question 15: How many unauthorized disclosures of classified information were there during calendar year 1983? How many of these were not reported to the Department of Justice?

Response: Four agencies reported 43 unauthorized disclosures of classified information. Of these, 34 were not reported to the Department of Justice.

Question 16: How many unauthorized disclosures of classified information were made through books, articles, or speeches, written by then-current employees or former employees during calendar year 1983?

Response: One of the 43 identified in question 15 was made through a speech or publication by a then-current employee of a contractor.

ENCLOSURE II.—EMPLOYEES WITH CLEARANCES, SCI ACCESS, AND NON-SCI ACCESS

	Total	Defense	State	Treasury	Interior	NASA	FEMA	Other agencies
Number of agency employees.....	5,025,580	3,317,086	24,016	124,287	74,482	22,000	2,357	1,461,352
Level of clearance:								
Agency employees:								
Top secret.....	517,578	480,360	13,938	6,871	596	523	1,726	13,564
Secret.....	2,129,557	2,066,643	733	2,993	1,658	15,706	572	41,252
Confidential.....	33,286	28,160	0	274	104	719	0	4,029
Contractor employees:								
Top secret.....	111,912	111,000	0	183	0	0	400	329
Secret.....	904,540	900,000	0	0	3	0	250	4,287
Confidential.....	304,852	304,800	0	0	0	0	0	52
SCI access:								
Agency employees.....	118,899	111,167	4,350	1,733	229	280	199	941
Contractor employees.....	11,041	10,808	200	2	0	29	1	1
Employees assigned to non-SCI special access programs:								
Agency employees.....	27,530	26,559	0	0	0	0	904	67
Contractor employees.....	21,587	21,250	0	0	0	0	337	0

ENCLOSURE III.—AGENCIES INVOLVED IN PREPUBLICATION REVIEW

	Defense	State	NASA	TVA	USIA	AID	SEC	Federal Reserve	Overseas Private Investment Corporation
Number of employees covered by agency directive.....	All	All	All	All	All	All	All	All	All
Quantity of material reviewed in:									
1983:									
Books.....	10,088	10	15	0	5	1	2	1	0
Articles.....	269	269	4,500	600	24	15	7	45	1
Speeches.....	2,020	14	0	280	33	30	8	0	0
Other.....	5,102	0	5,000	0	0	60	36	0	0
Number of pages.....	77,404								
1982:									
Books.....	6,457	1	15	0	1	0	0	0	0
Articles.....	202	202	4,500	600	15	35	10	0	1
Speeches.....	2,237	8	0	280	25	30	9	0	0
Other.....	4,713	0	5,000	0	0	101	27	0	0
Number of pages.....	92,918								
Number of employees assigned to prepublishing review.....	80	86	0	40	2	1	1	1	1
Number of working days used for prepublishing review.....	4,459	205	100	55	8	5	10		1
Average number of working days used for each type of material:									
Books.....	17.8	20	10	0	10	2	20	10	0
Articles.....	10.7	10	10	3	2	3	10	3	1
Speeches.....	5.3	5	10	3	2	3	5	0	0
Other.....	5.2	0	10	0	0	4	8	0	0

¹Defense's response combined books and articles.

²The Department of the Army responded in number of pages reviewed.

Note: 3 agencies—the Department of Education, Peace Corps, and the Federal Emergency Management Agency—reported having prepublishing review requirements but did not report any activity.

ENCLOSURE IV.—POLYGRAPH USE BY NINE AGENCIES

	Total	Department of Defense	Department of Transportation	Tennessee Valley Authority	Department of Labor	Federal Reserve System	Department of State	Postal Service	Department of Commerce	General Services Administration
Agencies using polygraph:										
1983.....	9	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
1982.....	8	Yes	Yes	Yes	No	No	No	Yes	No	Yes
Types of examinations:										
Criminal or specific incident:										
1983.....	7,691	7,028	6	14	7	2	5	623	2	4
1982.....	7,829	7,155	14	7	5	0	0	645	0	3
1981.....	6,925	6,196	6	3	2	0	5	711	1	1
Preaccess screening:										
1983.....	3,108	3,105	0	0	0	0	2	0	1	0
1982.....	1,176	1,176	0	0	0	0	0	0	0	0
1981.....	45	45	0	0	0	0	0	0	0	0
Agency polygraph operators:										
1983.....	131	123	0	0	2	0	0	6	0	0
1982.....	194	112	0	0	0	0	0	6	0	0
Agency polygraph machines:										
Owned as of Dec. 31, 1983.....	256	238	0	0	2	0	0	16	0	0
Purchased in 1983.....	2	2	0	0	0	0	0	0	0	0

¹Includes the Departments of Justice and Treasury, as reported to us last year. Current information concerning polygraph use by these agencies was not received in time for inclusion in the chart.

Agency plans: (1) The Department of Defense anticipates hiring 50 additional polygraph operators to permit 10,000 screening-type examinations. (2) The Postal Service expects to hire 3 additional operators. (3) The Federal Emergency Management Agency plans to institute polygraph examinations in the future, but the final decision is pending until legal issues involving the use of the polygraph are resolved. (4) The Tennessee Valley Authority does not anticipate using the polygraph in the future.

HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT OPERATIONS,

Washington, DC, April 4, 1984.

HON. CHARLES A. BOWSER,
Comptroller General, General Accounting
Office, Washington, DC.

DEAR GENERAL: In January, H.R. 4681, the Federal Polygraph Limitation and Anti-Censorship Act of 1984, was introduced and referred to the Post Office and Civil Service Committee where it is now under active consideration. This bill is a comprehensive response to the Administration's polygraph and censorship policies, both the National Security Directive 84, issued by the President, and those designed and implemented independently at the agency level.

Recently, the President announced his intention to suspend the polygraph and prepublication censorship portions of his National Security Directive through this session of Congress. The effects, however, of this suspension on the polygraph and censorship policies which were not contained in the President's Directive are not clear. In order that this legislation be properly evalu-

ated, it is necessary that Congress be fully apprised of the effects, if any, the suspension of the President's National Security Directive 84 has on the current polygraph and prepublication censorship policies in effect at the agencies of the Federal Government and on any proposed changes in those policies contemplated at this time.

To this end we request that the General Accounting Office update its survey of the Federal agencies conducted in preparation for hearings held last October by the Government Operations Committee on these issues. Along with this update, it is requested that the GAO also make broader inquiry into the current use of polygraphs and prepublication censorship requirements by the agencies, any proposed changes in those policies and their likely effects, and the effect, if any, the President's suspension of his NSD 84 has on those current or proposed policies.

It is important that this investigation be given prompt attention. Congressional moratoriums on proposed changes to the Department of Defense's polygraph regula-

tions and certain prepublication censorship requirements will expire on April 15. It is, therefore, hoped that you will find it possible to devote maximum staff resources in this effort. Thank you very much for your attention to this request. With every good wish, we are

Sincerely,

JACK BROOKS,
Chairman, Committee on Government
Operations.
WILLIAM D. FORD,
Chairman, Committee on Post Office
and Civil Service.

Mr. MATHIAS. Mr. President, the findings that the GAO released on June 11 must be read in light of this history. According to the GAO, "Twenty-three agencies reported that, as of December 31, 1983, 119,000 of

their employees had SCI access and almost all had signed the agreements which contain the lifetime prepublication review requirement." The GAO letter is silent on precisely which prepublication review agreements have been signed. If, however, the agreements referred to are the narrower agreements, including standard form 4193, that were in use prior to the issuance of NSDD-84, and if the agencies involved were using these forms prior to March 1, 1983, then the imposition of lifetime prepublication review obligations, even on the large numbers of Federal employees cited by the GAO, would be consistent with the terms of the amendment that the Senate approved on October 20, 1983.

However, the GAO report should remind us that the issues have not been resolved. The question that engaged us, and that attracted national attention, last year, have not yet been fully answered. A disturbingly large number of Federal employees have been required to submit to a program of lifetime Government censorship.

It is true that the agreements to which the GAO letter appears to refer are more narrowly drawn than those proposed in the wake of NSDD-84. Under the earlier agreements, a former employee's obligation to submit his writings for prepublication review arises only if the text contains information falling within a specified class. Most—though by no means all—of this information may be classified. But the basic problem with prepublication review remains: It is a form of prior restraint of speech by the Government. Any proposal for a system of censorship, no matter how narrowly focused and no matter how well-intentioned, demands the most searching examination. Any form of prior restraint bears a presumption of invalidity, which only a strong showing of need can overcome.

When the Senate debated the Matthias-Eagleton amendment last October, several members of the Committee on Governmental Affairs, which had held a hearing on the question of prepublication review, told the Senate that the administration had not, in our view, carried its burden. The record then before us did not seem to justify the imposition of censorship upon former employees, years after they had left the Government. Indeed, we discovered that over the previous 5 years, there were only two reported incidents in which a former employee of the State, Defense, or Justice Departments had published classified information without getting official authorization to do so—and one of those incidents was unconfirmed. Since that time, we have learned that the implementation of NSDD-84 would not have prevented even the one con-

firmed incident, since the individual involved would not have been subject to prepublication review.

The findings of the GAO do not, in my opinion, aid the proponents of prepublication review to overcome the presumption against prior restraint. The GAO posed a series of questions to each of the 51 Federal agencies whose employees handle classified information. One of the queries asked how many unauthorized disclosures of classified information occurred during 1983. Another asked how many of these disclosures "were made through books, articles, or speeches written by then-current or former employees during calendar year 1983." Of the 43 agencies responding, 4 reported unauthorized disclosures. But only one of these occurred through a published writing or speech; and in that case, a current employee of a Government contractor was involved. Not a single agency reported a single unauthorized disclosure by a former agency or contract employee.

Mr. President, I believe that Senators may find it useful to consult the GAO findings as they consider the issue of prepublication review. Accordingly, I ask unanimous consent that the text of a letter dated June 11, 1984, from Frank C. Conahan, Director of the GAO's National Security and International Affairs Division, to the Honorable JACK BROOKS, chairman of the House Committee on Government Operations, along with the enclosures thereto, appear in the RECORD at the conclusion of my remarks.

In the last analysis, the GAO's findings answer some questions about the use of prepublication review requirements for former Federal employees. But these findings raise other questions as well. The GAO's report should help the Congress to work responsibly with the executive branch to fashion a policy that will address the real and compelling problem of unauthorized disclosures of classified information, without interfering with the rights of former Government employees to freedom of expression. But the report also underscores how much remains to be done in this regard.

The prospects for constructive cooperation on this issue are good. I believe that the administration has come a long way toward an appreciation of the concerns that motivated the public furor over NSDD-84, and the congressional action in response to it. A comparison of our current situation with some of the earlier chapters in the saga of prepublication review confirms this impression.

It was not so very long ago that neither the public nor the Congress had any clear idea that any employee of the Federal Government was required, as a condition of employment, to

submit his or her writings to censorship, even long after leaving the public payroll. Today, we have a good deal of detailed information about who is subject to this sort of requirement, and about the particulars of these requirements.

When the administration began, in 1981, to implement a standard prepublication review agreement outside the intelligence community—form 4193—Congress was not adequately informed, and certainly not adequately consulted. Today, the administration has committed itself to a policy of consultation with the Congress on the issue of prepublication review.

Finally, Congress did not receive sufficient notice of the promulgation of NSDD-84, nor of the issuance of the revised and expanded prepublication review agreement form. Today, the administration has explicitly committed itself to giving Congress advance notification of any unilateral attempt to reinstitute the more sweeping censorship program contemplated by NSDD-84.

All these developments provide grounds for optimism that further discussion and negotiation will lead to a resolution of this complex problem that is fair to all the interested parties, and that strikes the right balance between the competing concerns of free expression and national security. The data compiled by the General Accounting Office simply underscores the importance of pursuing this process.

JOHN S. CHAFEE

Mr. BAKER. Mr. President, I know that Senators on both sides of the aisle join me in mourning the passing of John S. Chafee, the father of our friend and colleague from Rhode Island.

Throughout a very long and very active life, the senior Mr. Chafee made an extraordinary contribution to the progress of his State and the security of his country.

A successful business executive, a devoted trustee of Brown University, and a leader of the War Production Board during World War II, Mr. Chafee was the epitome of what an American citizen should be. He was a concerned, talented, friendly, vigorous man who was always searching the horizon for new challenges to engage his interest and his energy.

Those of us who know his son can see not only the physical but the spiritual resemblance to this remarkable man, and we can count ourselves fortunate that a great tradition of grace and courtesy and generosity and commitment to public service is being car-

ried on and enhanced by the talented junior Senator from Rhode Island.

Our sympathy is with JOHN and Jenny at this time of sadness, but we join them and the people of Rhode Island in celebrating the long and useful and beloved life of John S. Chafee.

I ask unanimous consent to have printed in the RECORD the story of Mr. Chafee in yesterday's Providence Bulletin.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOHN S. CHAFEE, 87, BUSINESS, CIVIC LEADER, SENATOR'S FATHER

PROVIDENCE.—John Sharpe Chafee, the father of Sen. John H. Chafee, and a prominent Rhode Island industrialist and civic leader died this morning at Hallworth House after an illness. He was 87.

Mr. Chafee was a vice president and a director of the Brown and Sharpe Manufacturing Co. and an executive of other machinery and machine tool firms in New England for more than four decades. During World War II he headed the tools division of the War Production Board.

He was also active in community affairs, notably as a trustee and active alumnus of Brown University (Class of 1918) and as president of Butler Hospital in 1965 and 1966. Mr. Chafee was also a trustee of the hospital for many years.

Mr. Chafee was the husband of the late Janet Hunter Chafee. He is survived by four children, Senator Chafee of Warwick; Mrs. Janet H. Cushman of Montreal; Mrs. Alexandra Reynolds of Wakefield, and Mrs. Susan F. Welch of Bethany, Conn.; a brother, Dr. Francis H. Chafee of Providence; a sister, Mrs. Mary C. Card of Barrington; 15 grandchildren and two great grandchildren.

Mr. Chafee was associated with Brown & Sharpe from 1919 to 1942. After service on the War Production Board, he returned to private industry as executive vice president of the Saco-Lowell Shops, textile equipment manufacturers in Biddeford, Maine. He also held positions as general manager, vice president and a director of B-I-F Industries, West Warwick; president of Ansonia Wire and Cable Corp., Cumberland, and vice president of Metals & Controls Corp., Attleboro, Mass., which was subsequently acquired by Texas Instruments Inc.

He was a member of the American Society of Mechanical Engineers and served as president of the National Machine Tool Builders Association in 1942.

Mr. Chafee was born in Sorrento, Maine, the fourth child of Zachariah and Mary Dexter Sharpe Chafee. He was educated at Moses Brown School, St. John's School in Manlius, N.Y., and at Brown, which he left before graduation to serve as an ambulance driver for the French Army in World War I. After the United States declared war, Mr. Chafee returned to the United States and was commissioned in the Army.

Funeral services will be held at 12:30 p.m. Saturday at St. Martin's Church, Orchard Avenue, Providence.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

OMNIBUS DEFENSE AUTHORIZATION, 1985

The PRESIDING OFFICER. The pending business will be stated.

The legislative clerk read as follows:

A bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 3262

(Purpose: To express the sense of the Congress regarding the status of certain treaties to prevent nuclear testing)

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is amendment No. 3262 offered by the Senator from Georgia [Mr. NUNN] for the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Maryland [Mr. MATHIAS].

Mr. KENNEDY. I thank the Chair.

Mr. President, Senator MATHIAS and I, along with over 40 cosponsors, are proud to introduce an amendment aimed at bringing an end to nuclear testing.

The amendment declares the sense of Congress that the President should request Senate consent to ratification of the 1974 Threshold Test Ban Treaty and its companion, the 1976 Peaceful Nuclear Explosions Treaty, and further, that the President should propose to the Soviet Union the immediate resumption of negotiations for a verifiable comprehensive test ban treaty. Having introduced several joint resolutions pressing for a comprehensive test ban over the past decade, I am glad that the full Senate will finally have an opportunity to vote on the issue.

We are especially pleased that so many Members of the Senate have decided to cosponsor this resolution and, in so doing, to work for an end to all nuclear testing as an essential step to reducing the risk of nuclear war.

A comprehensive test ban will advance the goal of strategic stability. It would impose qualitative constraints on weapons modernization, and it would stem the tide of nuclear proliferation. A complete ban on the testing of nuclear devices will halt Soviet advances in the development of warhead technology, thereby promoting U.S. security interests. It will enhance the credibility of U.S. efforts to prevent the proliferation of nuclear weapons.

A favorable Senate vote on this amendment will be particularly helpful to the currently dry negotiating climate. Our amendment's provision that the TTB and PNE treaties should be submitted for consent to ratification presents a timely opportunity for the President and the Senate to take a concrete step toward arms control that will not require the Soviets to return to the bargaining table. And the amendment's call upon the President to resume negotiations toward a Comprehensive Test Ban Treaty restates a bipartisan objective held by every President since Dwight Eisenhower.

Senator MATHIAS and I first introduced our resolution in July 1982, immediately after the Reagan administration announced that it had abandoned comprehensive test ban negotiations with Great Britain and the Soviet Union, and right after the administration stated that it preferred not to ratify the Threshold Test Ban and Peaceful Nuclear Explosions Treaties. This decision was a radical reversal in the bipartisan policy adopted by Presidents Eisenhower and Kennedy, and pursued by every administration since then, both Republican and Democratic. This bipartisan commitment has endured since the 1950's, allowing the United States and the Soviet Union to work together—step by step—toward completion of a comprehensive test ban.

Near the end of his administration, President Eisenhower initiated negotiations to prohibit nuclear testing, and the United States entered into a mutual moratorium with the Soviet Union on all weapons testing for 3 years in order to promote that goal. After initiating a similar moratorium on atmospheric testing, President Kennedy concluded the first test ban agreement in 1963—the Limited Test Ban Treaty. That treaty prohibits nuclear testing in the atmosphere, outer space, and underwater, and commits all parties to pursue a comprehensive test ban treaty [CTBT]. In 1968, President Johnson negotiated the Nuclear Nonproliferation Treaty which reiterates the U.S. commitment to negotiate a CTBT. In 1974, President Nixon concluded the Threshold Test Ban Treaty, which outlaws nuclear weapons tests above 150 kilotons and once again confirmed our commitment to a CTBT. In 1976, President Ford achieved the Peaceful Nuclear Explosions Treaty, which established the same 150-kiloton threshold for so-called peaceful explosions. Although the Senate Foreign Relations Committee approved these two treaties by a 14-to-1 majority, neither treaty has been taken up by the full Senate for its consent to ratification.

In July 1982, the Reagan administration announced that it would not resume CTB negotiations with the So-

viets, despite the stated willingness of the Soviets to engage in such negotiations in abandoning these negotiations, the Reagan administration is disregarding the benefits that a CTB would yield for U.S. national security and for world peace.

Not the least of these benefits would be to close off a destabilizing avenue in the arms race that now continues unabated—the development of new, ever more accurate, ever more devastating nuclear warheads. Without testing, neither country can fully explore new weapon designs. The effect will be to freeze at existing levels the nuclear warhead technologies deployed by both sides. Any new missiles or aircraft will have to carry warheads of already tested design.

It is important to recognize, in this connection, that a halt on nuclear warhead development will work to the advantage of the United States. Over the last 30 years we have conducted over twice the number of nuclear tests as has the Soviet Union. We have developed a diverse and sophisticated stockpile of nuclear devices. Our highly skilled and innovative nuclear scientists have continually expanded the frontiers of nuclear technology in such critical areas as miniaturization, safety and security, and command and control. In short, the United States is second to none in nuclear weapon design—and a Comprehensive Test Ban Treaty will freeze that superiority.

A CTB will also strengthen our hand in dealing with the greatest threat that America and the world will face for the remainder of this century and beyond—the spread of nuclear weapons to more and more countries.

Under the Nonproliferation Treaty, the nonnuclear weapons states agreed to forswear nuclear weapons, while the nuclear powers, for their part, agreed to pursue arms control measures, including a comprehensive test ban. If the Reagan administration is permitted to renege on that commitment, it will become much more difficult to maintain the NPT as an effective instrument of nonproliferation policy. Already several states have suggested the possibility of withdrawing from the treaty unless a CTB is concluded soon. As more nations threaten to go nuclear, it makes no sense for America to abdicate its responsibility and to further undermine its political leverage and moral authority to prevent proliferation.

The achievement of a CTBT, on the other hand, will give the Nonproliferation Treaty a new lease on life. It will increase the attractiveness of NPT to those who have not yet joined. And in general, by showing that the nuclear powers are prepared to accept restraints on their own activities, it will put us in a stronger, more credible position to call on nonnuclear countries

to further constrain their nuclear weapons development.

Moreover, a CTBT could be a powerful force for nonproliferation in its own right. By adhering to such a treaty, and by committing themselves not to carry out any tests, the nonnuclear states could renounce. A critical step in the process of acquiring a proven nuclear capability. For states that refuse to join the NPT, a CTBT may be our best chance to persuade them to accept constraints on their ability to pursue the nuclear weapons option.

The situation in south Asia is a good example of how a CTB could advance these goals. While neither India nor Pakistan has adhered to the NPT, both have expressed support many times in the past for nondiscriminatory Comprehensive Test Ban Treaty. But without a U.S.-U.S.S.R. CTBT agreement, neither India nor Pakistan will have the opportunity to join such a treaty, and thereby contribute to both their own security and the security of the world.

When the Reagan administration decided not to resume the CTB negotiations it stated a desire to renegotiate the two standing treaties—the PNET and the TTBT—before pursuing a comprehensive ban. At the time, the Reagan administration claimed that a CTB was unverifiable and that the two standing treaties had inadequate provisions for verification.

The argument that verification provisions in the TTBT and PNET need to be strengthened before negotiating a CTBT is specious on two counts:

First, it might very well be easier to verify a total test ban than a limit on testing above 150 kilotons;

Second, the TTBT's and PNET's provisions for verification have not been fully implemented pending ratification of the treaties.

What are these important verification provisions? The TTBT provides for exchanges of geological data that will clarify ambiguities about the size and location of tests. And the PNET sets an important historical precedent when it comes to verification; it provides for on-site inspection whenever it is unclear whether a test is "peaceful." Until these provisions are implemented how can the administration assert that these treaties are unverifiable?

By refusing to press the TTBT and PNET treaties for Senate consent, the Reagan administration is complicating and delaying the achievement of arms control. In the absence of ratification, the goal of verification is being undermined, not strengthened. It is ironic that the Reagan administration refuses to have arms control without progress on verification—and then refuses to implement significant breakthroughs that improve verification, breakthroughs that were painstaking-

ly negotiated by American diplomats over years and years of work.

The fact is, Mr. President, that the United States is complying with both of those treaties at the present time. And these treaties have provisions that would enhance the prospects for verification, both through the exchange of geological data and through on-site inspection.

So, the administration is complying with the treaties, but, by failing to have them ratified, it is not able to acquire additional information that would be helpful for verification. And yet one of the arguments that the administration uses is that these treaties cannot be verified adequately. This is a particular dilemma, Mr. President, that we hope to remedy with the passage of this amendment here today.

By urging that these treaties be approved by the Senate and supported by the President, we hope to increase the prospects for verification in very important ways—through the transfer of geological information and by on-site inspection.

That is a very important aspect of this amendment that ought to be noted by the Members of this body at a time of considerable tension between the United States and the Soviet Union.

On the overriding issue of whether a comprehensive test ban can be verified there is a consensus among experts that it can be. Indeed, during the Carter administration, a number of verification disputes with the Soviets—previously deemed unsurmountable—were resolved on our terms—on terms proposed by the United States. In 1979, a verifiable treaty really was at hand on the CTB.

There were in fact, real breakthroughs in these negotiations; the Soviets accepted in principle a U.S. proposal for on-site inspections to help resolve questions regarding compliance. This was truly an historic achievement. Failure to reach agreement on the issue of on-site inspections had been, in 1963, the main reason why it was not possible to conclude a comprehensive, as opposed to a partial, ban.

In another major breakthrough on verification, the Soviets accepted a U.S. proposal for deploying a network of sophisticated seismic monitoring stations on their territory. Such seismic facilities inside the Soviet Union, combined with our impressive existing national technical means of verification, would give us an effective basis for verifying Soviet compliance with a CTB. Soviet willingness to accept these stations on their territory represented a dramatic advance in their attitudes toward verification, with significant implications for future arms control measures.

More recently, there have been scientific breakthroughs at the U.S. Geo-

logical Survey that, if put into effect, could make verification of a comprehensive ban through seismological means much easier. New developments in seismological instrumentation make it easier to distinguish between a nuclear explosion and earthquakes even at a level below 1 kiloton.

I draw that information to the attention of the U.S. Senate as an additional reason why those of us who believe that a CTB would limit qualitative advances in arms modernization also believe that this kind of a breakthrough is significant.

But the Reagan administration has been totally indifferent to this progress toward verification. Rather than seizing opportunity for real progress, it reversed all the progress that we had made toward verification by insisting upon renegotiating the TTBT and PNET.

Given that the administration's policy on verification lacks a compelling logic, one can only conclude that it is avoiding testing negotiations in order to pursue an unbridled testing program. Indeed, according to a recent administration report:

... While a CTB continues to be a long-term U.S. objective, continued nuclear testing is necessary for the continued development, modernization, and certification of warheads, the maintenance of stockpile reliability and evaluation of nuclear weapons effects.

Before the administration pursues such a program, it should contemplate the difference it might have made had we concluded CTBT two decades ago. It is unlikely, for example, that the high-yield MIRV'd warheads that pose such a serious threat to U.S. security today could have been developed if nuclear testing had stopped two decades ago. It is also less likely that India would have conducted its nuclear explosions in 1974, that Pakistan would now be striving for matching capabilities of its own, or that the overall proliferation risks would be nearly as serious as they are today. It is likely, in other words, that a CTBT two decades ago would have made today's world a safer place. It is also worth asking what a difference it might make two decades from now if we fail to seize the opportunity to achieve a CTB today.

What new breakthroughs in nuclear technologies would jeopardize our security? Which additional countries will conduct nuclear tests and join the nuclear club? How much more dangerous a world would we live in than we live in today?

Mr. President, this amendment is offered in a spirit of bipartisanship, the type of spirit that brought us arms-control progress in the past. On July 26, 1963, the day after the American test-ban negotiators finished their work in Moscow, President Kennedy recalled the Chinese proverb that "a

journey of 1,000 miles begins with a single step." He called on the American people to take that first step by ratifying the Limited Test Ban Treaty, and they responded enthusiastically. In the past two decades we have witnessed slow but steady bipartisan progress in this journey of a thousand miles. The question before us is whether we in the U.S. Congress and this administration can now take another hopeful and needed step forward.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I see the Senator from Maryland on the floor. I will give him an opportunity to speak on the amendment that he is sponsoring. Then I will make a brief response.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. I thank the Senator from Texas, Mr. President, I am happy to have him go forward, if he wishes to do so.

Mr. President, I feel it is more than an honor—it is a duty—to join the distinguished Senator from Massachusetts, Mr. KENNEDY and 39 colleagues, 39 Senators, in offering this amendment to the Defense Authorization Act. Our amendment calls upon the President to do two things, two things that I believe the President of the United States will not find it difficult to do. The first is to request the Senate to consent to the ratification of the 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty; the second, to resume negotiations with the Soviet Union toward conclusion of a verifiable Comprehensive Test Ban Treaty. I say that those two proposals will not be difficult things for the President of the United States to make, because, Mr. President, the United States is already committed to doing exactly these things.

At various times in the past we have attempted to harness the dizzying spiral of nuclear-weapons development. When the world was still shaken by the fears generated during the Cuban missile crisis, it welcomed the Limited Test Ban Treaty of 1963. And I think that these concerns are reflected today in the nuclear-freeze movement, in the strong pastoral letter of the Catholic bishops of the United States, and in the positions taken by other influential religious and political groups in the United States and in Europe. It seems clear that the time is right for a restoration of the national consensus for arms control which was such a strong force following the LTBT, but which became diluted in the latter part of the 1960's. There were also moments during the last decade when it appeared possible that Americans could develop a generally acceptable national security policy

that combined the intelligent pursuit of arms-control objectives with prudent augmentation of the military force structure. SALT I, the Antiballistic Missile Treaty, the Threshold Test Ban, the Peaceful Nuclear Explosions Treaties, and even SALT II were all agreements containing the promise of still greater things to come. But these promises have not borne fruit. They remain unfulfilled. Instead, we have allowed this country's strategic policy direction to be altered approximately every 4 years. We are embarked on still another set of strategic arms-control initiatives, shelving, if not repudiating, the efforts of previous administrations—as indeed the Carter administration attempted to do in March 1977 when it shelved the substantial achievements of the Ford administration; namely, the Vladivostok agreements. We are moving forward with nuclear armed, sea-launched cruise missile deployments, with the militarization of outer space, and perhaps worst of all, we continue to allow two painstakingly negotiated documents, the Threshold Test Ban and the Peaceful Nuclear Explosions Treaties, the objects of this amendment, to languish unratified in the Senate. And this administration has announced that it does not intend to resume Comprehensive Test Ban Treaty negotiations.

If you add to that record the unratified SALT Treaty, and then consider what this unfinished agenda signals to the rest of the world, it seems to me that we are impairing our own credibility as a negotiating partner.

It was, of course, the Soviet invasion and occupation of Afghanistan that ended any hope that SALT II might be ratified. But that is not the case with the Threshold Test Ban and with the Peaceful Nuclear Explosion Treaties.

These have been awaiting strong Presidential endorsement to bring them to the floor of the Senate.

In the interim, the United States and the Soviet Union have issued unilateral statements expressing their intent to abide by the terms of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaties so long as the Soviet Union is willing to do the same.

The protocol to the Threshold Test Ban Treaty provides for the exchange of geological and geographical data which is, of course, essential for verifying the magnitude of a blast. The protocol also designates specific areas as weapons-test sites to assist in verification. An agreement to exchange this and other more detailed data would provide as yet unprecedented levels of cooperation between the United States and the Soviet Union.

Never before has there been an understanding whereby the two super-

powers would exchange data relating to their respective nuclear weapons program.

In preparing the Threshold Test Ban Treaty, the United States and the Soviet Union determined that some agreement was needed to regulate underground nuclear tests for peaceful purposes, and the Peaceful Nuclear Explosions Treaty was signed by President Ford in 1976. In so doing, he had the advice of the Joint Chiefs of Staff and the whole panoply of intelligence and military experts of the U.S. Government. It was concluded that this treaty was totally in accord with our military and security interests.

Articles 4 and 5 of the Peaceful Nuclear Explosions Treaty establish the exchange of information and access to sites of explosions. I think that is worth repeating. The Peaceful Nuclear Explosions Treaty provides for access to sites of explosions.

The protocol to the treaty sets forth provisions for both detailed information and the rights and functions of observers within the Soviet Union. This is particularly significant because, as every Senator knows, Soviet reluctance to accept intrusive forms of verification has been one of the main obstacles to negotiated progress in the nuclear age. This is a reluctance rooted deep in Russian history. Not since the time of Ivan the Terrible have strangers, foreigners, been allowed to roam within the bounds of the Russian state. Here we have the agreement of the Soviet Union to allow on-site inspection, to allow observers within the bounds of the Soviet Union. And we are not taking advantage of the opportunity that has been agreed.

The Peaceful Nuclear Explosions Treaty, combined with the Threshold Test Ban Treaty, establishes a comprehensive system of regulations that would govern the underground nuclear explosions in the United States and the Soviet Union in a manner that seems to me to be consistent with enhanced stability—enhanced stability for relationships between the Soviet Union and the United States and enhanced stability for the world at large.

But because since these treaties are not ratified, since the Senate has not yet given its consent to ratification, there has been no exchange of data. Nor have there been any meetings of a formal consultative group as provided for by the Peaceful Nuclear Explosions Treaty. As a result, the opportunity has been lost to gain the data and to gain the other information which would help resolve uncertainties as to the yields of Soviet weapons tests. Such uncertainties have fed concern that some Soviet tests have been above the 150-kiloton ceiling permitted by the TTBT.

The administration has had the Threshold Test Ban and the Peaceful

Nuclear Explosion Treaties under what has been called active review for the past 3 years. I am not sure how we would define active. But in that 3-year period, a broad range of public officials and private witnesses have commented upon the merits of these unrattified accords, and support for ratification has been offered by individuals representing a cross-section of political opinion, including some senior Members of the present administration.

At this confirmation hearing, the former Director of the Arms Control and Disarmament Agency, Eugene Rostow, offered his personal endorsement of ratification, and he promised to seek a rapid review of both treaties.

Nearly 1 year later, in May 1982, he stated that he had run into what he called a profound stonewall in his efforts to bring this issue to the President.

More recently, the Deputy Director of the Arms Control and Disarmament Agency, David Emery, similarly endorsed ratification of these two testing agreements.

Objections have been raised that possible future options of the United States might be limited by ratification of the Threshold Test Ban and the Peaceful Nuclear Explosions Treaties and by the conclusion of a Comprehensive Test Ban Treaty.

I might say that such objections have been long standing. They were raised during the Carter administration as the reason for not going forward with ratification, as they might in some way inhibit the negotiations that were then underway for SALT II and a CTBT.

I think we need to make what progress we can. President Nixon and President Ford have pointed out that progress could be made in the testing area.

It is the job of arms control to establish limits, and the limits that are established have to be mutual and verifiable. But the opportunities to establish mutual and verifiable limits are not unlimited.

The Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty both establish such limits, and the conclusion of a verifiable Comprehensive Test Ban Treaty, which Senator KENNEDY and I urge, would be the most significant and the sanest milestone in the brief history of the nuclear age.

So I urge all Senators to support this amendment. We seem to be locked in some kind of fatal cycle that demands of us an effort to break out.

It is said by some thoughtful, reasonable observers that Russian behavior at the moment is so intransigent that we should not reward it even by a gesture.

Well, I do not think that our amendment rewards intransigence. I think this is a case of avoiding self-inflicted

wounds, self-inflicted injuries, by not acting when action is clearly demanded by circumstance.

The United States is deeply committed to the Threshold Test Ban and to the Peaceful Nuclear Explosions Treaties. They involve no new proposal that has not been thoroughly digested on all sides. It surely could not be called appeasement to complete the jobs that were begun by President Nixon and President Ford. And the ratification of these treaties will eliminate a longstanding Russian complaint that we are not reliable and trustworthy and, therefore, it is not worthwhile to spend time negotiating with us.

The fact is, Mr. President, that the people of the world—all of mankind—look to the United States for leadership in the field of arms control. We must not fail them. We must demonstrate our determination to reduce the risk of nuclear war, and there is no better way to do that than by ratification of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, and by resuming now the negotiations for a comprehensive test ban.

Mr. TOWER. Mr. President, I have listened with great interest to both the Senator from Massachusetts and the Senator from Maryland. I think one cannot help but be impressed by their sincerity in this matter, their desire to create a climate in which we can have a less dangerous and a more stable world. But I believe that what they suggest would be counterproductive to either negotiation of significant arms control agreements or arms reduction agreements and of peace and stability. The proponents have talked glowingly about SALT I and the ABM Treaty, suggesting that these treaties would bring us stability; but, in fact, since the conclusion and ratification of those treaties, the Soviets have in hand a bigger arsenal of destabilizing weapons than they did before that time.

The fact is they have a superior urgent hard target kill capability to the United States. We do not have a first-strike mentality or a first-strike doctrine, or a first-strike intent, or even, indeed, a first-strike capability. So perhaps we would not want the kind of arsenal the Soviets have gotten. But certainly, we must take into consideration that in significant magnitude, the Soviets have a superior urgent hard-target nuclear kill capability to the United States of America. In our own interests, we must continue to test not only for the sake of developing a more sophisticated deterrent of our own but for the sake also of understanding what the Russian capability might be.

Let me read an excerpt of a letter from the head of the Los Alamos Lab-

oratory, Dr. Donald M. Kerr, the Director of Los Alamos. He said:

A comprehensive test ban by itself is an unsatisfactory form of arms control. We are dedicated to reducing the risk of nuclear war, but a test ban is only one step in that direction, and it is not only useless, but actually may be dangerous if not accompanied by complementary arms control measures. And, further, a moratorium or test ban would gradually, unpredictably, and unequally reduce our ability to rely with confidence on our nuclear forces. Concerns for the effect on our deterrent of a ban were illustrated when the United States resumed testing in 1962 during the Kennedy administration. Not only had the Soviet Union greatly improved its own nuclear technology and gained unprecedented insight into nuclear effects, but some United States weapons had developed serious faults.

Now we are, in the face of enlightened opinion and fact, being asked here to take an enormous risk. I get a little frustrated sometimes when I see us moving in the direction of unilateral restraint and conciliation toward the Soviet Union at the same time we shall be considering an amendment to bully and beat up on our allies. I wonder how anybody can get what I call a clear signal from the United States in these circumstances.

Let me read a portion of the President's report to the Congress on Soviet noncompliance with arms control agreements dated January 23 of this year. It is in unclassified summary:

7. TTBT—150-KT TEST LIMIT

Treaty Status: The Threshold Test Ban Treaty was signed in 1974. The Treaty has not been ratified but neither Party has indicated an intention not to ratify. Therefore, both parties are subject to the obligation under international law to refrain from acts which would "defeat the object and purpose" of the TTBT. Soviet actions that would defeat the object and purpose of the TTBT are therefore violations of their obligations. The United States is seeking to negotiate improved verification measures for the Treaty. Both parties have each separately stated they would observe the 150 kt threshold of the TTBT.

Obligation: The Treaty prohibits any underground nuclear weapon test having a yield exceeding 150 kilotons at any place under the jurisdiction or control of the parties, beginning March 21, 1976. In view of the technical uncertainties associated with predicting the precise yield of nuclear weapons tests, the sides agreed that one or two slight unintended breaches per year would not be considered a violation.

Issue: The study examined whether the Soviets have conducted nuclear tests in excess of 150 kilotons.

Finding: While the available evidence is ambiguous, in view of ambiguities in the pattern of Soviet testing and in view of verification uncertainties, and we have been unable to reach a definitive conclusion, this evidence indicates that Soviet nuclear testing activities for a number of tests constitute a likely violation of legal obligations under the TTBT.

CONCLUSIONS

The President has said that the United States will continue to press compliance

issues with the Soviets through confidential diplomatic channels, and to insist upon explanations, clarifications, and corrective actions. At the same time we are continuing to carry out our obligations and commitments under relevant agreements. We should recognize, however, that ensuring compliance with arms control agreements remains a serious problem. Improved verification and compliance provisions and better treaty drafting will help, and we are working toward this in ongoing negotiations. It is fundamentally important, however, that the Soviets take a constructive attitude toward compliance.

Mr. President, we have reason to believe that they could have detonations that had a yield in the range of 200 or 300 kilotons. Our methods of measurement are imprecise and we can only measure in terms of ranges. It occurs to me if we cannot adequately verify and attest whether or not the Soviets cheat, we would not be able to do it if we had a treaty in effect. The fact that we have a treaty does not provide automatic verification.

Mr. President, I wonder if ever we are going to be able to have adequate verification of anything that we cannot verify by national technical means. Have the Soviets shown any real disposition to permit intrusive and extensive on-site inspection? No, they have not.

We always seem to negotiate treaties and worry about the verification later; it is more convenient to do it that way. Oh, we will work out this verification thing.

Mr. President, regarding this threshold test ban, the United States is acting in compliance. The evidence does indicate likely Soviet violations of the 150-kiloton threshold. We are seeking verification improvements and we have, unsuccessfully by the way, tried three times to engage the Soviets in constructive discussions on this issue, and they have not been forthcoming.

Now, regarding another portion of the Senator's amendment, that regarding comprehensive test ban and trilateral negotiations between the United States, the Soviet Union, and the United Kingdom, they were conducted from October 1977 to November 1980. There was a failure to reach an agreement on verification issues, including onsite inspections and in-country seismic equipment.

Now, let me emphasize that a Comprehensive Test Ban Treaty remains a long-term U.S. objective in the context of broad, deep and verifiable arms reductions, improved verification, confidence building measures, and the maintenance of an effective deterrent. Nuclear testing is needed if we are to have high confidence in the reliability of our own nuclear stockpiles and for a robust nuclear technology base, which in the context of the comprehensive test ban would erode very, very seriously, very, very rapidly.

The United States agreed in 1983 to a formulation of a working group, and the Committee on Disarmament in Geneva discussed issues related to a Comprehensive Test Ban Treaty. We have taken positive steps. Certainly in the area of verification we have been far more forthcoming than have the Soviets. Before we start pressing for the submission of the Threshold Test Ban Treaty, pressing the administration to get on with the Comprehensive Test Ban Treaty, we should instead be pressing the Russians to get on with an agreement for adequate, high confidence verification on any kind of nuclear or arms control agreements to which the United States will be prepared to agree.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I rise to strongly support this amendment offered by the Senators from Massachusetts and Maryland and am very glad to be a cosponsor, as I was the original cosponsor of Senate Joint Resolution 29, upon which this legislation is based.

The Threshold Test Ban Treaty applies a ceiling of 150 kilotons on all nuclear explosions. The Peaceful Nuclear Explosions Treaty, which was conceived as a companion to the TTBT, serves to ensure that so-called peaceful nuclear explosions cannot be used as a means of circumventing the TTBT.

Unfortunately, the administration has been reluctant to proceed toward ratification of these two treaties pending Soviet agreement to expanded verification provisions. The Soviets have taken the position that the treaties are satisfactory as negotiated and should be ratified. Thus, the sides are at an impasse which has continued for more than 1 year.

Sometimes, in my view, our self-interest dictates that we act even if things cannot be 100 percent where we want them. That is the case now with these treaties, since it is clearly in our interest to take a chance for peace.

Mr. President, this is a situation calling for action by the Congress. We need to find a prudent and effective way to break the impasse. If the President were willing to seek ratification of the two treaties, there is nothing to prevent subsequent bilateral negotiations to make any appropriate and mutually acceptable changes in the verification provisions. The alternative is to continue living under the terms of the two treaties, as both sides have been doing since 1976, but without the benefit of the existing verification provisions, which would only come into force with ratification.

There are several very important reasons to move ahead toward ratification of these treaties:

First, ratification would serve to demonstrate, in this time of great contention between the United States and the Soviet Union, that the United States stands behind its obligations and is willing to ratify those treaties that it has negotiated.

Second, ratification would open the way to exchanges to information to help facilitate verification. With these exchanges, we would be in a much better position to ensure Soviet compliance.

Third, ratification would put in place the precedent-setting on-site inspection provisions of the PNET. No other agreement with the Soviet Union has such strong inspection provisions.

Fourth, ratification would save us from the threat that one side or the other would decide to stop complying with the TTBT and go ahead with high-yield testing. Unfortunately, the Soviet Union, for reasons of geography and proximity of population, is in a far better position to do such tests—thus giving them an asymmetrical advantage. It would be very foolish for us to allow the resumption of one very important aspect of the arms race to the benefit of our adversary.

Finally, ratification would demonstrate to a doubting world that the United States has not forgotten its commitment to the nonnuclear world to work with the nuclear weapons states to bring an end to the nuclear arms race. We should not doubt that our cavalier approach to the nuclear testing issue has placed the world nonproliferation regime in continuing jeopardy.

Mr. President, it simply makes good sense to move ahead with these two treaties as a prelude to a comprehensive test ban.

Five American administrations have supported the attainment of a comprehensive test ban. The administration's decision not to pursue a CTB marks an unfortunate retreat from a commitment by the United States in the Limited Test Ban Treaty of 1963 and the Nonproliferation Treaty of 1968 to seek to achieve an end to nuclear weapons tests for all times.

A CTB would put meaningful controls on nuclear weapons development and would put punch into our efforts to curb nuclear proliferation. In the previous administration, solid progress was made toward agreement on a CTB with strong, effective verification provisions, such as monitoring stations in the Soviet Union and arrangements for on-site inspection. The Reagan administration is in a splendid position to resume that effort.

Mr. President, without spending Senate's time here assessing blame between the Soviet leadership and the

administration, I think we can fairly conclude that the arms race continues to be fueled and that arms control has run out of steam. The result is an American public afraid that nuclear war has become more likely over the past several years. Millions of Americans are very frightened, as all of us have found in our talks with concerned constituents.

We will not solve our arms control problems with amendments to this defense authorization bill. We can, however, take a very important step that will send the right message to our constituents, our adversaries and others in the world who are watching closely our arms control efforts—or lack of them. Passage of this amendment would constitute a prudent and long overdue step to get arms control back on track.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, the Senate debates this amendment against the background of extraordinarily strained United States-Soviet relations in which there is no direct bilateral negotiations underway for the reduction of significant numbers of weapons. However, no one believes that there is much chance that START or INF will be resumed this year. In light of the enormous capabilities of mutual nuclear annihilation and recognizing the constantly expanding nuclear stockpiles on each side, I find this proposal discouraging in the extreme, as does the rest of the world.

At the outset, let me say that I agree with the position taken by the administration and strongly supported by our NATO allies. The United States should not offer the Soviet Union concessions as a reward for their actually picking up their blocks and walking out of the INF and START talks. We should not do this just to get them back to the START and INF negotiating table. At the same time, I am most gratified by the President's announced willingness to meet the Soviets halfway should they return to the START or INF talks.

Mr. President, such gestures of conciliation and flexibility would normally be sufficient to get a dialog on arms reductions reestablished. Unfortunately, these are not normal times, and the Soviets have remained adamantly opposed to any resumption of talks. I would hope that the President's new position on the question of a summit meeting will in due course lead to a United States-Soviet summit and that such a meeting could clear the way for renewed negotiations on START and INF. I have steadily and consistently called for a summit over the past several years. Last November 1983, I called for the President to establish a regular procedure whereby beginning

no later than 1985 a regular annual summit meeting would be held between the President of the United States and the head of the Soviet Union.

While we await the outcome of ongoing efforts to set up such a meeting, we need not be standing still. On the contrary, I believe that there are three specific initiatives that the United States could take which could not only facilitate the prospects for a successful summit, but might themselves so improve the climate of United States-Soviet relations that a resumption of START and INF might be possible in the near term.

Mr. President, I believe that the three keys to an improved United States-Soviet dialog on arms control are, first, ratification of the two pending nuclear testing treaties—the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, or TTBT/PNE—second, renewed negotiations on a Comprehensive Test Ban Treaty, or CTB, and third, new negotiations on limiting weapons in outer space.

This amendment deals with two of these keys, and the Senate just last week overwhelmingly indicated its support for the third initiative when it passed the Warner-Tsongas amendment on antisatellite negotiations by a 61-to-28 vote. By passing this amendment by a similarly wide margin, the Senate can, in my opinion, lay the foundation for a major U.S. initiative in all three areas. The result, Mr. President, could well be the restoration of some progress in the United States-Soviet arms control process.

I will now address the question of ratifying the TTBT and PNE Treaties in more detail. Beginning with my visit to Moscow in November 1980, I have placed ratification of these two treaties very high on my arms control agenda. I recognize that these are modest treaties in scope, yet they have assumed a significant symbolism in our overall arms control relationship with the Soviet Union. They certainly dominated conversations at the time Ambassador Tom Watson, Mr. Robert Galvin, and I met for a period of 9 hours with the Soviet leadership. As the Soviet leadership made clear to me during my visit 3½ years ago, they fail to understand how we can allow three completed arms control treaties, TTBT, PNE, and SALT II Treaties, which were signed, respectively, by Presidents Nixon, Ford, and Carter, to languish without any action in this body.

It has now been 12 years since we have ratified and given our advice and consent, and the President has signed, any treaty involving arms control between ourselves and the Soviet Union. All this while, we have been observing the basic elements of all three treaties

on an informal basis. That is no substitute for having binding treaties which bind into the future both nations on this issue, the most paramount issue facing mankind today.

The two nuclear testing treaties would establish valuable precedents for future arms control agreements. The PNE Treaty provides for onsite monitoring and inspection, and this is the first time we have ever provided for onsite monitoring and inspection. The TTBT would require an exchange of information and data that would facilitate verification. Experience gained in operating the TTBT and PNE verification regimes could prove invaluable in moving toward a CTB Treaty. In this respect, the two treaties could serve as an important midstation on the road toward a ban on all nuclear weapons tests.

As chairman of the Foreign Relations Committee, I have repeatedly pressed the administration to move more quickly in formulating a constructive position on the ratification of these treaties. In May 1982, then-ADCA Director Rostow testified before the committee that some administration officials were stonewalling this process. In February 1983, I threatened to defer committee action on the nomination of Kenneth Adelman to succeed Dr. Rostow unless this stonewalling ended. I was, therefore, gratified when Mr. Adelman was able to testify subsequently that the administration would, indeed, request ratification of the treaties provided the Soviets agreed to certain supplementary procedures for enhancing verification.

Mr. President, I profoundly regret that the Soviet Union has remained intransigent in its opposition to any discussions on supplementary verification procedures. The Soviets have simply remained dead set against any new talks until the United States follows through on its earlier commitment to ratify these treaties. For over 1 year now, the two sides have been stuck in a total impasse on this procedural point.

On May 8, I wrote Mr. Adelman to outline a new approach for getting around this impasse. In my letter, I proposed that the President ask the Senate to proceed with the ratification of the two treaties, and that it work hand-in-glove with the Foreign Relations Committee in drafting a supplementary protocol or understanding that would address our verification concerns. These ratified treaties, with the protocols or understandings attached, could then be sent to Moscow for implementation, putting the burden on the Soviets for entering the treaties into force. On May 29, I received a reply from Mr. Adelman, informing me that my proposal was under review. At a committee hearing on June 13, I put Deputy Secretary of

State Dam on notice that unless the interagency review process reaches some decision very soon on how to end the impasse on TTBT and PNE, I will have no recourse but to take the matter up directly with the President.

Mr. President, I believe that Senate passage of this amendment will help move the administration's review process along. In the words of the amendment itself, it will indicate the strong view of this body that, at the earliest possible date, the President should request Senate consent to the ratification of these treaties. So far as I am concerned, I see no reason why the President could not ask this week that the Foreign Relations Committee proceed as soon as possible with ratification hearings on the treaties. Realistically, we would have to assume that the ratification process, including the drafting of appropriate protocols or understandings on verification, would carry over into the next session. Nonetheless, we could at least get started.

The second part of this amendment calls for a resumption of the United States-United Kingdom-Soviet negotiations toward a verifiable Comprehensive Test Ban Treaty, or CTB, at the earliest possible date. It is the declared position of the administration that it remains committed to the attainment of a CTB Treaty as a long-term goal of U.S. arms control policy. It has, however, preferred to probe Soviet receptivity to the necessary verification measures that would have to accompany a CTB in a different forum. Rather than resume the discontinued tripartite negotiations, the United States has been discussing CTB verification issues in the 40-nation U.N. Committee on Disarmament, or CD. Presumably, the administration would change the venue back to the tripartite negotiating table if sufficient progress were achieved in the CD.

The problem, Mr. President, is that it is simply very unlikely that such progress can be achieved in the CD. I have sat there in frustration in those meetings and recognized the great problem we have in seeing any real action come out of that forum. Ambassador Gerard Smith, our former chief SALT negotiator, addressed this point when he testified before the Foreign Relations Committee last week. As Ambassador Smith said, "with all due respect for that body, it is not the place where serious negotiations take place."

Mr. President, the United States is committed in the 1963 Limited Test Ban Treaty and the 1968 Non-Proliferation Treaty to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time. The past five administrations have strongly supported the attainment of CTB. It is time, past time, for the United States again to get serious about this goal. I urge the adoption of the amendment.

AMENDMENT NO. 3263

(Purpose: To provide for communications from the President on the issue of verification)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN) proposes amendment numbered 3263.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 17, insert the following: in section (b)(1) after the word "ratification": with a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaty.

Mr. NUNN. Mr. President, I shall read the amendment myself because I do think it speaks for itself.

I think the Senator from Massachusetts and the Senator from Maryland have basically a sound approach here. I think they have a good amendment. I am concerned about the problems that have been raised in the past on possible verification problems with peaceful nuclear explosions and the Threshold Test Ban Treaty. Therefore, this amendment attempts to address those problems without disrupting the basic thrust of the amendment.

What the amendment basically says is that when the President submits the treaties which have been signed but not ratified, he will also submit a report containing any plans he may have to negotiate supplemental verification procedures, or if the President believes it necessary to submit any understanding or reservation on the subject of verification which he believes should be attached to the treaty.

Mr. President, this will take care of the problems, as I see them. I do not know precisely what the verification problems are today. I have had briefing on this subject, and I know the Senators from Massachusetts and Maryland are up to date on it and they have assured the Senate that there are new verification methods brought about by technological advances which will enable us to do a better job of verifying than we could have done several years ago.

I do believe we should give the President the Senate's advice, that if he does think there are continuing verification problems then he should say so, and if he thinks it is essential we have some form of understanding or reservation attached to the treaty that will be a matter for the Senate to decide in

the final analysis but also he should submit that understanding or reservation.

I am hopeful we have made enough progress, technologically speaking, so that will not be necessary. I am hopeful that reservations and understandings will not have to be attached to the treaty. That will be a matter for Senate deliberation. That will be a matter for Senate hearings and in the final analysis of this body.

There are provisions in the treaties, as I understand them, and the Senator from Massachusetts could correct me if I am in error, there are provisions in the treaties themselves which provide after the treaties are ratified for a continuing dialog on verification problems, and if we have made as much technological advance as some believe, it would be my hope that we would be able to ratify the treaties without understandings or reservations, that even have the negotiations occur under the provisions of the treaties for any supplemental verification procedures that may be necessary.

I know that will not be easy. I know that getting verification procedures worked out with the Soviets is probably the most difficult part of arms control and probably the most important part if we are going to be assured that the treaties will be agreed to.

So I do not diminish the importance of this. That is why I have said in this amendment that, if the President has reservations or understandings that he believes are necessary, then he should suggest those reservations or understandings to the Senate when he submits the treaties.

I think it is time that we address these treaties, that we come to grips with whether there are indeed verification problems that cannot be solved so that we turn our attention to this. It is very difficult to convince the world that we are serious about arms control when we have treaties that have been signed now by three Presidents, one by President Ford, and I believe that was the Peaceful Nuclear Explosion Treaty in 1976, one by President Nixon, the Threshold Test Ban Treaty in 1974, and one before SALT II by President Carter, and we are abiding by all of these. We are not breaching them. But we do not ratify them and the world looks on us as being rather spasmodic in this area when we have two Republican Presidents and one Democratic President, all elected by the American people, all negotiating, I am sure, in good faith, all having a number of defense experts and scientific experts by their side when they sign these treaties, and yet we do not ratify them nor even debate them seriously.

It is time for that debate to occur. It is time for the President to submit these treaties to the Senate. It is time for us to take the time necessary to de-

termine whether indeed we can verify. It is time for us if we think that there are verification problems to attach whatever understandings or reservations are necessary so that we at least then will have gone through our duty in the ratification process, we will have ratified the treaties, if necessary with understandings or reservations, and then the ball will be back in the court of the President and the Soviet Union to negotiate further procedures as necessary.

So if the authors of this amendment could accept this amendment or if the Senate decides to accept the amendment, then I would join with the Senator from Massachusetts, the Senator from Maryland, and their numerous cosponsors in support of this amendment, and I would do so with enthusiasm. I think it would be a strong message to the White House. I think it would be a strong message to the world, and I think it would really be saying, in effect, the Senate is ready to do its duty in a thoughtful way with full information, with whatever the President may deem necessary in terms of additions and we will turn our attention to that subject.

So I do not know whether this will solve the problems of everyone with this amendment, but it does solve my problems, if my amendment is agreed to, and I hope it is.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I am wondering whether it is possible for the proponents of the amendment, which is the current unfinished business, to modify their amendment.

Mr. NUNN. Mr. President, before the Senator asks for modification, I think the Senator should consider whether he might want, and it depends on when the final vote on this will occur, a rollcall on this amendment so that everyone who is going to vote on the final amendment as modified, if modified, would know that it has been modified.

I would think that from the point of view of getting additional votes that might help. I am not looking for an additional rollcall, but it might be appropriate to have a rollcall on this before the final rollcall, so maybe the Senator from Massachusetts could indicate to the managers of the bill at what point either he or the Senator from Maryland would be willing to deal with this subject on a final rollcall if the modification is accepted.

Mr. KENNEDY. Mr. President, I wish to respond to that inquiry. I am concerned at this time about the parliamentary situation, and that is why I inquired whether it was possible to modify the amendment. I believe that it is appropriate to take into consider-

ation what are the legitimate concerns of the Senator from Georgia on the whole issue of verification.

I interpret the amendment of the Senator from Georgia as really making explicit what is already implicit in the constitutional procedures regarding treaty making.

It seems to me, Mr. President, that this body would want to know the views of the President on the issue of verification of the two standing treaties.

As I said, I do think, for many in the Senate, this amendment expresses explicitly what I think many of us understand implicitly. So I would, at an appropriate time, be willing to accept the amendment and hope that those Members of the Senate who are concerned about verification would feel that we have made an important step forward on this issue.

I would also like to indicate to those that are supporting the amendment of the Senator from Maryland and myself that I think that any President who wanted to send reservations on any agreement to the Senate would be conforming to the Constitution and to the shared treaty making responsibilities under the Constitution between the Senate of the United States and the Presidency. I think that this amendment makes this procedure more explicit with regard to these two treaties.

I would hope to be able to accept this modification unless the Senator from Georgia would like to proceed in some other way. I just do not want to get caught in a parliamentary situation where we are voting on the underlying amendment, which does not have the particular language of the Senator from Georgia, and I would like to make sure that if we are going to have an up-or-down vote or a tabling motion, it will include the language of the Senator from Georgia.

Mr. TOWER. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. TOWER. I am perfectly willing to have the Senate act first on the amendment of the Senator from Georgia before I might take any action to table. I have not made a determination in my own mind whether I will move to table or let us go to an up-or-down vote.

Let me put it this way: I will not attempt to table the amendment in the first degree before the Senator from Georgia's amendment is acted on.

Mr. NUNN. I think that is a very gracious gesture by the chairman. I would like to facilitate the full debate on this amendment to anyone else who wants to come over and debate. I do not want to cut anyone off. I do not want a rollcall vote on this amendment to interfere with the debate if

that debate is going to continue at this point in time.

On the other hand, I would like to have a rollcall on that if the authors believe it would help in the final analysis and Senators would be conscious of what the amendment contains. If not, I would be perfectly willing to have it accepted and modified. I would, in the final analysis, like to expedite this debate any way I can.

Mr. TOWER. Let me say that I am perfectly willing to have the debate proceed on the amendment of the Senator from Georgia. The only circumstance which I would move to table the amendment in the first degree is if we got strung out for a long time on the debate and into a lot of irrelevancy, or something like that. Then I might be constrained to go ahead if we cannot get action on the amendment of the Senator from Georgia.

Mr. NUNN. Mr. President, maybe the authors could give us some indication about how much longer they would like to debate this. I would think maybe the chairman would be ready to bring all of this to a conclusion. I do not know about the authors or whether there would be any more speakers or not.

Mr. MATHIAS addressed the Chair. The PRESIDING OFFICER. The Senator from Maryland.

Mr. KENNEDY. Mr. President, I think I had the floor and I yielded to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I would be glad to yield. I want to thank the Senator from Texas for his statement. I am happy to yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I simply wanted to concur with what the Senator from Massachusetts has said. As one of the many sponsors of this amendment, of the underlying amendment, I welcome the contribution that has been made by the Senator from Georgia. I think it does express, in a more clear and specific manner, the intent that the authors of the amendment had in the first place. He has made a significant contribution toward the development of this whole concept. I not only have no objection to accepting the amendment, I would embrace it and thank him for it.

Mr. KENNEDY. Mr. President, I would be willing to accept the amendment at this time on a voice vote, if the Senator from Maryland and the Senator from Georgia agree.

Mr. NUNN. Will the Senator from Massachusetts indicate his general idea about when we will vote? Let us assume we voice voted this amendment. At what stage would the Senator be prepared to go to a vote on his amendment?

Mr. KENNEDY. Mr. President, I am prepared to go right away if it is agreeable to the managers of the bill.

Mr. NUNN. In that case, I will go any way the authors like to go. If they would like a rollcall on my amendment, I would accept one. If they prefer a voice vote, that is fine.

Mr. TOWER. Mr. President, I hope we could voice vote this. I do not know if there is any objection to that. We have had complaints about these 97-to-nothing votes.

Mr. NUNN. I may have one closer later in the afternoon. It might be gratifying to pass one before we get on that more contentious amendment. But I would defer to the chairman and the authors as to whether they want a voice vote on this amendment.

Mr. WILSON addressed the Chair.

Mr. KENNEDY. Mr. President, will the Senator from California permit us just to voice vote this particular amendment to the underlying amendment?

Mr. WILSON. I have no objection whatever to a voice vote. I do wish to be heard before the vote on the underlying amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Georgia [Mr. NUNN].

The amendment (No. 3263) was agreed to.

Mr. WILSON. Mr. President, I rise to oppose the Kennedy-Mathias amendment on two grounds. The first relates to the unfortunate necessity of keeping our technology in tune for as long as we are regrettably committed to dependency upon the deterrent of mutually assured destruction; or, to put it another way, the use of offensive weapons to threaten retaliation against a first strike by the Soviet Union.

The second ground upon which I object relates more broadly to arms control policy. But I will get to that.

Dealing with the first, let me share with the Members of this body excerpts from a letter that I received from the Associate Director of the National Security Programs at Los Alamos National Laboratory, C. Paul Robinson:

Thank you for your inquiry concerning aspects of the comprehensive test ban treaty and the threshold test ban treaty issues that have been raised by the proposed Kennedy-Mathias amendment. Some aspects, such as the fragile nature of our experience base and our dependence on experienced people, Dr. Mark Albrecht of your staff saw and heard during his recent visit to the Nevada test site. Human judgment kept honed by the information that accompanies testing is critical for: maintenance of stockpiled weapons; design of new warheads optimized in weight, size and handling criteria to today's delivery system requirements; exploration of new weapon concepts that may open new strategic options or help us avoid technical surprise from developments of

others. Given these technical considerations, I can say that a CTBT would have far reaching consequences.

As long as our Nation is dependent on nuclear weapons as part of the strategic deterrent, a CTBT is not in our national security interest.

One of our concerns in the Kennedy-Mathias amendment "Dear Colleague" letter was the suggestion that a limited duration treaty would provide insight into reliability concerns; these concerns could be evaluated before making the treaty permanent. Because of the critical role of human judgment in evaluating confidence and reliability and the fact that this judgment will be eroding as the treaty progresses, we in the technical weapons community are uncertain as to how we can respond to the issues raised by a limited duration trial. President Kennedy in his March 2, 1962, speech addressed many of these issues as he announced resumption of atmospheric testing by the United States after a testing moratorium with the Soviets. These issues remain today; particularly since present day verification of a CTBT will have many parallels to the uninspected moratorium of the 1958-61 timeframe.

With reference to the TTBT, your inquiry stimulates two observations. First, I can assert that we have been complying with the Threshold Test Ban Treaty. We cannot assert that the Soviets have complied with the treaty. The inherent inaccuracy of present TTBT verification technology involves uncertainties of a factor of two. Second, the issue of ratification contains a policy element that I am not prepared to address. Our role at Los Alamos has been to provide methods of enhancing the monitoring capability of the 150 kt threshold. Although we have developed methods to improve verification accuracy, we understand the Soviets have declined to discuss this with us.

Mr. President, the reference made to President Kennedy's speech to the American people on March 2, 1962, at the time he announced regretfully the resumption of nuclear testing by the United States in response to the violation by the Soviet Union of the moratorium into which they entered with us I think is worthy of not brief attention, but careful study. I will excerpt it only briefly.

Reinforcing the concerns that have been expressed by Mr. Robinson in his letter to me, President Kennedy told the American people:

The testing of new weapons and their effects is necessarily a part of that research and development process. Without tests—to experiment and verify—progress is limited. A nation which is refraining from tests obviously cannot match the gains of a nation conducting tests. And when all nuclear powers refrain from testing, the nuclear arms race is held in check.

That is why this Nation has long urged an effective world-wide end to nuclear tests.

It is why, Mr. President, this Nation in good faith if somewhat naively entered in the moratorium with the Soviets in 1958 and what we found is that they were secretly plotting to violate that agreement at the very time they made it.

The President of the United States in 1962 with the deepest possible regret evident indicated that "Every alternative was examined. Every avenue of obtaining Soviet agreement was explored. We were determined not to rush into imitating their tests. And we were equally determined to do only what our own security required us to do."

Mr. President, it is with the deepest regret that all of us on this floor are compelled not to note, but to assert very clearly that what our security requires us to do is to continue until the Soviets are forthcoming in a way that they have not been, to continue to pursue the dual track of reliance upon a reliable nuclear capability at the very time that we offer incentive to the Soviets to come to agreement with us for arms reduction that will permit the sanity to prevail in their capital, as well as in ours, ultimately reduce the level of anxiety, and the level of expenditures required to sustain these arsenals.

But unfortunately, we know that the record is precisely the reverse. They have not been forthcoming. They have rejected the START initiative. They rejected the initiative of nuclear build-down proposed by my colleagues, Senator COHEN and Senator NUNN. They have rejected virtually every reasonable approach, every initiative taken to responsible, verifiable arms reduction with respect to these specific proposals for the threshold test ban and the comprehensive test ban. Once again they have refused to be engaged in serious, honest, good-faith discussions of verification that would permit us to go forward. And so now, we are again being asked to trust them.

Mr. President, I do not see how it is possible to trust people with that record or to put it in the words of the Wall Street Journal in an editorial of July 22, 1982:

At some point we are going to have to stop kidding ourselves.

The administration's critics are saying that its deferral of any comprehensive test ban talks mean it is not serious about arms control. But the opposite is true—a serious approach to arms control demands a refusal to negotiate new treaties while old ones are being broken. The question that needs to be asked is how, with the Soviets developing biological weapons and supplying "yellow rain" to their puppets, the administration can justify any arms negotiations at all.

The editorial cites the fact that we now have in hand spectacular Soviet violations of the biological weapons convention. It cites that the only reasonable conclusion has to be that the Soviets have systematically violated the threshold test ban as well.

Mr. President, we share a motivation to bring about arms reduction. We differ markedly, strongly, on how that is to be done. But I have to say that presently I think reliance unilaterally upon the good faith of the Soviets

would be a tragic mistake—indeed, a dereliction. We are not relieved by the fact that we cannot trust the Soviets in dealing with them. We are in no way exempted from dealing with them. But we must do so soberly, responsibly and not worry about verification tomorrow. Scarlett O'Hara could worry about tomorrow. We have to worry about tomorrow today.

Let me say, Mr. President, that this good intention could have I think the most perilous consequences. We can no longer afford to be charitable. We can no longer afford to be naive. To make the progress that all Senators wish on arms reduction, we must pursue vigorously, and relentlessly the kind of arms negotiations with which this administration has made its record.

I ask the defeat of this good intention, and I relinquish the floor.

Thank you, Mr. President.

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAST addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. Mr. President, the Senate is anxious to get on with its business. I shall be very prompt and to the point. I would like to make a few observations to put this matter in perspective. I do wish to speak against the underlying amendment.

First, let me say my principal objection, as I have listened to the debate on this amendment, and as I have been here in the Senate in recent days on the Department of Defense authorization bill, is that there is constantly being raised pressure on the President of the United States to do something. There seems to be a total absence of understanding that it is the Soviets who are the recalcitrants. Let us keep that in mind. They have cheated on previous tests. They continue to take advantage of the treaties that already exist. They continue to move ahead technologically in these areas and conventional areas. They make advances on the ground in Central America, Africa, Asia, and the Middle East. Never do I ever hear anyone in here raising the issue of why not put pressure on the Soviets? It is always on the President of the United States.

I think there is a loss of focus. We cannot see the forest for the trees.

The United States has only 5 percent of the world's population. If we do not maintain our technological advantage and we continue to move

down, down, down in a form of unilateral disarmament, ultimately we will lose. Our ace in the hole is our technological capability. The Soviets know it, and our enemies in the world know it. Our allies know it is the key that we have. But constantly there is the pressure in this assembly and in this Congress that the President is not doing enough, that we are not doing enough.

But I have yet to see an amendment, I have yet to see a serious debate, raising the question, why do the Soviets not do something?

I do not even know who you negotiate with over there from day to day, month to month. First it is Brezhnev, and then he is too old and gone. Then it is Andropov, and then he is too old and gone. Chernenko—we do not know what sort of health he is in.

Our President is in excellent health, and he has indicated a desire to go and to engage in good-faith negotiations on this and every other matter. What more can you ask for?

If I sound like I am a little weary in spirit and weary in flesh, I am. I think we have lost sight again of the forest for the trees.

Senator STENNIS told me the other day when he was elected in 1948, they were in session for 6 months and voted 72 times.

Last year, we were in session for almost 3 months longer and we voted 700 times.

I do not even know what this matter has to do with the Department of Defense authorization bill. It is a foreign policy matter. It ought to be taken up on a Foreign Relations Committee bill.

We are so bogged down and strangled in irrelevant amendments it is enough to make a grown man cry. And this is another classic example of it. It is irrelevant; it is impertinent; it is not germane. On top of it, I say get off of the President's back and get on the back of whoever is in charge now—apparently Chernenko. At least, the last I knew he was.

Senator GOLDWATER was correct last night, and I will end on this note. The President is the Commander in Chief. Under the separation of power, he has the primary responsibility for the security and the well-being of this country. As Thomas Jefferson put it, the Executive must deal with foreign policy altogether. Thomas Jefferson may have slightly overstated the case, but he was making the point the President must make the initiatives; we must give him the elbow room. What we do is give advice and consent under treaty-making and related areas.

But I find this counterproductive to the very thing the proponents seek—and that is legitimate, real, serious, responsible arms negotiations—this constant pressure on the President of the United States.

I think the underlying amendment is well intentioned but ill conceived, counterproductive to the well-being and the security and the freedom of this country and the West generally. I am going to vote against it, and I urge my colleagues to do likewise.

I thank the manager of the bill, the distinguished Senator from Texas, for allowing me three moments here to speak prior to his vote.

I yield the floor, Mr. President.

Mr. TOWER. Mr. President, we have had a very good debate, I think, on this amendment. Good points have been made on both sides. I appreciate the effort of the Senator from Georgia to improve what I consider to be a somewhat dangerous amendment, but I do not think it has improved it enough. Therefore, I feel constrained to oppose the amendment even as amended.

Although I do appreciate the efforts of the Senator from Georgia, I am not satisfied that we can, within the context of the present time and the state of the art, get the kind of verification required before a treaty is ratified.

I have already enumerated my reasons for opposing this amendment, but I think it was stated far more eloquently than any of us could by a very great man, who made a statement in March 1962, when he was explaining the requirement for the resumption of testing after Soviet testing resumed. I think the words that he spoke there are as pertinent today as they were then. He had a way of making statements that were timeless, and I would like to read the remarks of John F. Kennedy:

We now know enough about broken negotiations, secret preparations, and the advantages gained from a long test series never to offer again an uninspected moratorium. Some may urge us to try it again, keeping our preparations to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep top-flight scientists concentrating on the preparation of an experiment which may or may not take place on an uncertain date in the undefined future. Nor can large technical laboratories be kept fully alert on a stand-by basis waiting for some other nation to break an agreement. This is not merely difficult or inconvenient—we have explored this alternative thoroughly, and found it impossible of execution.

Mr. President, I move to table the amendment of the Senator from Massachusetts.

Mr. MATHIAS. Will the Senator withhold for just a second?

Mr. TOWER. I will, Mr. President.

Mr. MATHIAS. Mr. President, the distinguished Senator from Texas is also a distinguished historian, so he is aware that he has posed an imponderable question. He notes that Russian arsenals have grown since the first arms control agreements were concluded. That raises the question of "what if"—what if no arms control agreement had existed? There is no

answer to "what if" questions, but my guess is that there would be more missiles and less information about them.

The Senator from Texas says that he thinks the amendment presents "enormous risks." I agree that enormous risk is present, but in my judgment the risk lies in not adopting the amendment. To stand silent while we are locked in a fatal cycle of escalation and proliferation is the greatest danger. The amendment offers a prudent course to a safer world. It restores the United States to its proper place in the search for stability and peace.

The Senator from Texas has referred to the amendment as "unilateral," but in so doing he ignores the fact that it asks no more or no less of the United States than it does of the Soviet Union. It is based on a principle of neutrality. It will only become operative if both parties are in agreement and if it is in the mutual interest of both.

It is said in opposition to the amendment that it flies in the face of experience with Russian compliance. The record on that subject is too well known to report here. Let me only say that with reference to the Threshold Test Ban Treaty there are seismic anomalies that are known to exist. The Joint Chiefs knew about this factor when they endorsed the treaty. It is commonly called the factor of two and means that a 150-kt test could be recorded as anywhere between 75 kt and 300 kt. But this element was fully considered at the time the treaty was negotiated. It was not judged to be an insurmountable problem.

The distinguished chairman of the Armed Services Committee has called the evidence ambiguous, and to the extent that the factor of two raises questions, he is right. But the ambiguities are within the limits of tolerance as determined by our best experts on the subjects.

With reference to the resumption of negotiations for a Comprehensive Test Ban Treaty the chairman refers to risks. He does not mention benefits. In all the serious decisions of life the pros and the cons must be weighed and evaluated. In my opinion there are some risks in making any kind of agreement, but that in this case the benefits are more important. The arms control benefits would be significant, but there would be other advantages. It would have a political impact that would surely be positive. Even more important, it would respond to the need of humanity for some hope that the scourge of war may be banished from the Earth.

Mr. TOWER. Mr. President, I renew my motion to table the amendment of the Senator from Massachusetts.

Mr. KENNEDY. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Massachusetts. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART] is necessarily absent.

The PRESIDING OFFICER (Mr. ABDNOR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—34

Abdnor	Hatch	Quayle
Armstrong	Hawkins	Roth
Baker	Hecht	Stevens
Boschwitz	Heflin	Symms
Cochran	Helms	Thurmond
Denton	Jepsen	Tower
Dole	Laxalt	Wallop
Domenici	Long	Warner
East	Lugar	Wilson
Garn	McClure	Zorinsky
Goldwater	Murkowski	
Grassley	Nickles	

NAYS—65

Andrews	Exon	Mitchell
Baucus	Ford	Moynihan
Bentsen	Glenn	Nunn
Biden	Gorton	Packwood
Bingaman	Hatfield	Pell
Boren	Heinz	Percy
Bradley	Hollings	Pressler
Bumpers	Huddleston	Proxmire
Burdick	Humphrey	Pryor
Byrd	Inouye	Randolph
Chafee	Johnston	Riegle
Chiles	Kassebaum	Rudman
Cohen	Kasten	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Lautenberg	Simpson
Danforth	Leahy	Specter
DeConcini	Levin	Stafford
Dixon	Mathias	Tennis
Dodd	Matsunaga	Tribble
Durenberger	Mattingly	Tsongas
Eagleton	Melcher	Weicker
Evans	Metzenbaum	

NOT VOTING—1

Hart

So the motion to lay on the table amendment No. 3262, as modified, was rejected.

Mr. TOWER. Mr. President, have the yeas and nays been ordered on the amendment of the Senator from Massachusetts?

The PRESIDING OFFICER. They have not.

Mr. TOWER. I suggest that we can dispose of the amendment of the Senator from Massachusetts by voice vote.

I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order. Those who wish to converse will please retire to the cloakroom.

Mr. SYMMS. I thank the distinguished Presiding Officer for trying to achieve some order.

Mr. President, I should like to ask a question. I was prepared to ask the distinguished Senator from California this question as he was giving what I thought was some very cogent arguments prior to the vote. These two questions deal with the Threshold Test Ban Treaty and resumption of the negotiations for the test ban.

The question I wished to ask the Senator from California, and it may be that the distinguished chairman of the Armed Services Committee would wish to comment also, is this: Have the Soviets quite recently been venting nuclear radioactive debris from underground nuclear weapons tests outside their borders? I see this chart down here on the floor that says that.

Is that a fact? If so, I wish to know about that. And is this vote that we are about to take here voting for something that they are quite recently violating? That is really my question.

Mr. WILSON. I will have to say to my friend from Idaho that I really do not believe that an answer can be given to him in open session.

Mr. SYMMS. In other words, we are getting prepared to vote for something and the Senator cannot answer that question.

Mr. WILSON. That is my feeling; yes.

Mr. McCLURE. Mr. President, will the Senator from Idaho yield on this point?

Mr. SYMMS. I am happy to yield to my distinguished senior colleague.

Mr. McCLURE. I think the Senator from California is alluding to the fact that indeed this is classified information bearing upon this subject.

Mr. SYMMS. Mr. President, may we have order? I cannot hear back here.

The PRESIDING OFFICER. The Senator from Idaho is correct. The Senate is not in order. The Senator will suspend until we get order.

The Senator may proceed.

Mr. McCLURE. In addition to the classified information, there is a wealth of unclassified writing that very clearly identifies the venting that has crossed national borders in violation of existing treaties.

So I think the answer can be given that in addition to the classified information, there is unclassified information which very clearly identifies the answer to the question is in the affirmative. Yes; the Soviets have violated the 1963 Limited Test Ban Treaty by venting beyond their borders.

Mr. SYMMS. The other question I wish to bring up, and I thank the Senator from Idaho for that, is: Have the Soviets quite recently conducted underground nuclear weapons tests with an estimated yield above the 150-kiloton threshold in violation of the threshold test ban?

Mr. WILSON. Again, I have to say to my friend from Idaho, I think to answer him as directly and responsibly

as he would wish, we would require a closed session, because the answer, I believe, is classified.

Mr. SYMMS. I thank the distinguished Senator from California very much. I think that the point I wish to make here to my colleagues is that the proponents of this amendment are asking us to vote on something that we require a closed session for if we can get at these answers. If the answers to the questions are in the affirmative, then what we are saying is that we want to move forward on some kind of Threshold Test Ban Treaty, as Senator EAST pointed out, I thought ably, when we know that the Soviets are in violation of the treaty.

I just cannot believe that any Member of this Senate can be comfortable with the Senate voting on this amendment without these questions about quite recent Soviet violations of the LTBT and the TTBT being answered.

So, in order to protect us from this, Mr. President, I wish to send a very simple substitute to the desk in lieu of the present language that is on the floor, for myself, Senator WALLOP, Senator DENTON, and Senator HELMS.

AMENDMENT NO. 3264

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated. The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. SYMMS), for himself, Mr. WALLOP, Mr. DENTON, and Mr. HELMS, proposes an amendment numbered 3264.

Mr. SYMMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Notwithstanding any other provision of law or of this Act, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

Mr. SYMMS. Mr. President, I shall read the language, it is very simple, so all Members will hear, and then I will be happy to yield to my colleague.

Notwithstanding any other provision of law or of this Act, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

It is very simple and very easy to understand. I think its passage by the Senate would take away some of the concerns that I have with the discussion we are having here today.

I yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, I thank the Senator for yielding.

I think the question that was asked the Senator from California with respect to the Soviet underground nuclear explosions above the threshold test ban level needs to have two additional

explanations. I think the Senator is correct as far as his answer went. But there is an important chart at the rear of the room which is an unclassified chart.

The question is: What is recently, very recently? That chart goes up to the latter part of last year, if I recall correctly, and it shows violations or suspected violations of the yield limit for the underground tests through the end of 1983, and a consistent pattern is shown that leads right up to last fall and does not purport to go beyond that.

The question Senators need to ask is whether there have been quite recent Soviet TTBT violations?

The second comment that is necessary with respect to that chart or any other discussion of the violation of the limits of the threshold test ban is that it is based upon seismological evidence and seismologists are not in total unanimous agreement as to what their technical evidence means, but the consensus, and if we use in terms of how sure you are, not unanimous, but how sure you are, you can say with certainty above the 90 percentile range that those tests did occur at levels above that limit stated in the proposed treaty.

Mr. SYMMS. I thank the Senator very much for that comment. I hope my colleagues who are not here in the Chamber are aware of the significance of what Senator McCLURE has just said.

What we are saying is that there is a high probability that there are violations taking place here, and yet we are engaging ourselves in taking the time of the Senate to discuss this matter. I was disappointed the way the vote came out on SALT II yesterday. But I think it would be much better for the Senate to consider some of the most recent comments that the President has said, and I think the President, of whichever political party, does not make statements with respect to foreign policy, with respect to issues of this gravity, without a great deal of careful consideration and thought.

On January 23, 1984, I quote President Reagan. He said:

The Soviet Union is likely to have violated the nuclear testing yield limit of the Threshold Test Ban Treaty.

There have been over 14 Soviet underground nuclear weapons tests since 1978 with a yield estimated, as Senator McCLURE just said, to be over the 150-kiloton threshold. There may have been several more recently, and some reportedly have had yields estimated as high as 300 and even up to 600 kilotons.

I invite my colleagues to look at this unclassified chart that is back here at the back of the Chamber.

I think it would make a lot more sense for us to have the Foreign Rela-

tions Committee and the Energy Committee have new hearings on this Threshold Test Ban Treaty, especially with respect to the verification aspects, before we cast a vote and have it spread around the wire services of the world and all the newspapers of the world that the U.S. Senate takes the position to do this, to do that, when it does in fact give the appearance that we are rewarding the Soviets for violations of the numerous bilateral treaties that we have been in full compliance with ourselves.

I urge my colleagues to adopt this substitute and then it will make it clear that the United States is going to be very careful in its consideration on that.

Mr. President, I ask for the yeas and nays.

I withhold that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask to modify my amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. SYMMS. I send the modification to the desk. I say to my colleagues that this modification simply, instead of making it a substitute for the Kennedy amendment, makes it added to the end of the amendment.

The PRESIDING OFFICER. The amendment is so modified.

The amendment No. 3264, as modified, reads as follows:

At the end of the amendment add the following:

"Notwithstanding any other provision of law or of this Act, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating."

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the amendment.

Mr. NUNN. May I ask the Senator, before he gets the yeas and nays, does the Senator believe the yeas and nays are necessary? It seems to me, as long as it is not a substitute, it is an addition, perhaps the yeas and nays could be avoided.

Mr. SYMMS. If the Senator is willing to accept the amendment—

Mr. NUNN. I would suggest we could save 20 or 30 minutes. If it is not a substitute but it is simply adding, I think the authors would want to consider it.

Mr. SYMMS. It might save some time to have a vote on it and settle it.

Mr. NUNN. Well, a rollcall takes about 30 minutes. It will be 3 o'clock

before we get on anything else if we have a rollcall.

Mr. President, I would like to suggest the absence of a quorum; the Senator has the floor, if he does not want me to, I will not suggest the absence of a quorum.

Mr. SYMMS. Why do we not let the Senator from Maryland speak? He wants to speak on the amendment. I yield the floor.

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. BUMPERS addressed the Chair.

Mr. MATHIAS. Mr. President, did the Senator from Arkansas wish to ask a question?

Mr. BUMPERS. I had a question for the Senator from Idaho on the amendment. I am going to have to leave and I would like to ask him a question.

Mr. MATHIAS. Mr. President, I yield, without losing my right to the floor, so that the Senator from Arkansas can pose his question.

The PRESIDING OFFICER. Without objection.

Mr. BUMPERS. Mr. President, if I could have the attention of the Senator from Idaho for just a moment. Under the Senator's amendment, which looks fairly straightforward, who would make the decision as to when the Soviets were in violation?

Mr. SYMMS. The President of the United States.

Mr. BUMPERS. Does that mean the President of the United States could unilaterally abrogate any treaty we have with the Soviet Union if he just declared they were in violation?

Mr. SYMMS. I would say that the language is very straightforward. I would not say he could abrogate it.

Mr. BUMPERS. That is the interpretation I put on it.

Mr. SYMMS. I would say the President of the United States could certainly bring this into the Senate for consultation. The fact is, that is one of my complaints about voting on this. I do not think Senators are aware of just how many violations the Soviets are doing today. We cannot talk about it in open session.

Mr. MATHIAS. Mr. President, the Senator from Arkansas has made the very point that I think is important to make; that in all these treaties we

have a procedure by which violations can be addressed.

I think we are all in sympathy with the spirit in which the Senator from Idaho has offered this amendment. I do not think there is anybody in the Senate, and I think very few people in the country, if any, who would contemplate that we should be bound by treaties that have been violated by either party. That is unthinkable. We would all agree with that.

Mr. GOLDWATER. Will the Senator yield?

Mr. MATHIAS. I yield for a question.

Mr. GOLDWATER. The question just asked as to whether or not the President had a right to abrogate—I do not think he has the right. But President Carter did abrogate a mutual defense treaty. I think it is wrong, but the court ruled the other way.

Mr. MATHIAS. I thank the Senator from Arizona. Going back to the Anti-Ballistic Treaty, concluded in 1972, there was a provision in article 13 of that treaty for the establishment of a formal consultative commission. And when the President of the United States is convinced that there is a violation, the proper and established procedure is for him to report that violation to the consultative commission. If the violation is, in fact, found to exist, and if it is not addressed and remedied, then the President can give 6 months' notice under that treaty that the United States will withdraw. That is built into the treaty.

So what the Senator from Idaho proposes is, in fact, already the law of the land, because it is embodied in a treaty which has been negotiated by the President of the United States and ratified by the Senate of the United States. The law of the land presently provides for the suspension of treaties when they have been violated. But there is a way to do that; a proper way to do that.

One cannot just walk out in the street and say we are calling off all bets, because, if one did, as the Senator from Arkansas has just suggested, we would have a chaotic situation in which no nation would want to negotiate any kind of an agreement with the United States because they would be on notice that when we want to, we will simply suspend the terms of the agreement.

Mr. McCLURE. Will the Senator yield on that point for a question?

Mr. MATHIAS. Yes; I yield for a question.

Mr. McCLURE. I thank the Senator for yielding. My understanding of the general law of the land is exactly as the Senator from Arizona stated it. Whether I like it or not or agree with it or not, that is the general law of the

land. Certainly, you do not need a provision in this act to make it the law.

The other side of that, the flip side of that, if I understand it correctly, is that this provision could not override the provision of a treaty. If, as a matter of fact, the treaty has a provision that would be contrary to this statement as offered by my colleague from Idaho, the treaty provision would control and this would not control; am I not correct?

Mr. MATHIAS. The Senator is correct.

Mr. McCURE. If the Senator will yield further, without my abusing him of having yielded to me, the statement that if there is a violation of the treaty, we, in effect, are not bound by the treaty files in the face of the fact that we have verified violations of existing treaties and the treaties are still in force.

Mr. MATHIAS. Well, of course, I would have to take strong exception to that statement. The President of the United States has been very careful and very measured in the statements that he has made.

Mr. McCURE. Is the Senator from Maryland saying to me that the statement of the President of the United States is not to the effect that there have been violations? If the Senator from Maryland is saying that, then he has not been listening very carefully to what the President of the United States said.

Mr. MATHIAS. The President has used a very important adjective. He said there has been "likely" violations.

Mr. McCURE. In some respects.

Mr. MATHIAS. Of the Threshold Test Ban Treaty.

Mr. McCURE. All right.

Mr. MATHIAS. Now, likely violations of the Threshold Test Ban Treaty raise a very serious technical question. And the Senator from Idaho, with his experience and expertise in matters of mining and geology, is a greater expert than I, because it involves a seismic anomaly that introduces the famous factor of two. In other words, a 150-kiloton explosion might be recorded as 75 kilotons or it might be recorded as 300 kilotons. It is my understanding the higher the yield, the greater the likelihood that the factor of two will operate; so that a 300-kiloton explosion could be recorded as 600.

Mr. McCURE. Will the Senator yield?

Mr. MATHIAS. I yield for a question.

Mr. McCURE. I thank the Senator for yielding.

The Senator is correct with respect to what the President has said about the Test Ban Treaty, the Threshold Test Ban Treaty, but my remark was not simply to that, nor was his, if I understood it correctly, with respect to whether or not a treaty is in force

even after it has been violated because there is positive evidence of violation of treaties which are still in force and have not been abrogated. And the Senator, if I understood him correctly, made the statement that if they are violated, then of course we do not observe them.

Mr. MATHIAS. What I said was when they are violated there are procedures for terminating, suspending, and those procedures are the ones that I think need to be observed if the sanctity of the system of treaties not only in this area, but in commercial treaties, and every other treaty is to survive. We have to have certain rules of conduct, and we have to observe those rules of conduct.

Mr. McCURE. The Senator does agree with the Senator from Idaho, I believe I understood him correctly, saying that your interpretation of the law is the same as mine; that, if there is a procedure set forth in the treaty, that procedure in the treaty would control even in the face of this provision offered by my colleague from Idaho.

Mr. MATHIAS. Yes.

Mr. McCURE. Therefore, this provision offered by my colleague from Idaho could not be to make uncertain what the treaty is, or what we are bound to do under the treaty, because it could not by its own terms disturb the treaty provisions.

Mr. MATHIAS. Being a good lawyer, the Senator knows the Constitution provides that treaties once fully ratified do become the supreme law of the land.

Mr. McCURE. That is correct.

Mr. MATHIAS. But that is not a good reason to adopt language on a bill which we know is either redundant, unnecessary or which may just be wrong. And, therefore, I would be constrained to oppose the adoption of this amendment. I think it raises uncertainties and doubts where uncertainties and doubts should not exist, and I hope that the Senate would defeat this amendment, and allow the original amendment to proceed to adoption promptly.

Mr. WARNER. Mr. President, if I might pose a question to my distinguished colleague, the proponent of this amendment. Would you define the last two words "is violated"? What standards do you use to determine whether or not there has been a violation?

Mr. SYMMS. I think the President would have to make that determination.

Mr. WARNER. What if the Standing Consultative Commission were to make the interpretation and the President were to disagree with that? Is he the final authority in terms of the legislative history of this proposed amendment?

Mr. SYMMS. I would say in my opinion, yes. You have to have the buck stop somewhere, as Harry Truman said, and in this case the Commander in Chief who has the constitutional responsibility for our security would ultimately have to make that decision.

I would say this to my good friend from Virginia. I do not think he can make that decision without sound and credible evidence because he would sooner or later be, I think, confronted with the Senate and the Congress for advice and consent. Our President would not be able to just haphazardly declare they were violated. He would have to have credible intelligence evidence of Soviet arms control treaty violations.

Mr. WARNER. I will not suggest it has been made absent good faith, or an analysis of the facts and then a determination reached, but I guess it is the insertion of the words "is violated" which to me is a vague standard. Is it in violation of what the President thinks, or a violation of the terms of the treaty, or a violation of a finding of the Standing Consultative Commission in certain areas? It seems to me that the provision would require some clarity.

Mr. SYMMS. Does the Senator have a suggestion as to what would make it more clear in accordance with the U.S. law?

Mr. NUNN. May I suggest, if the Senator from Virginia has the floor—

Mr. WARNER. I yield.

Mr. NUNN. I do not know how you solve the problem of the Senator from Virginia but I think the larger problem is the provision in the very beginning which says "notwithstanding any other provision of law or of this act." There are a whole series of laws and international interpretations about our treaty obligations as I understand them. There is even a provision of treaty that we have entered into as to the appropriate response to treaty violations. I think there is that kind of precedent in international law.

If I could get the attention of the Senator from Virginia just one moment on this, one thing that I think would solve a lot of problems with this amendment is—I just throw this out as a suggestion—if you strike the words "notwithstanding any other provision of law or of this act" which one could interpret as changing all the precedents under international law, our own obligations, and overruling; that with this precise statement, if you would substitute in lieu thereof the words "in accordance with law" then we would be keeping the same law and the same adherence to international law that we have now which includes for instance on a treaty violation that might be of very minor

nature a proportionate response. The way this is written it could be interpreted as some minor violation, and would allow us to take action that breaches the treaty itself. I would suggest we at least consider that now. How you interpret the words "is violating," I think the Senator from Virginia makes a good point there. I do not know who makes that determination, but at least I think we ought to consider substituting the words "in accordance with law" for the words "notwithstanding any other provision of law or of this act."

Mr. WARNER. Will the Senator from Georgia be kind enough to repeat that, Mr. President?

Mr. NUNN. It does not solve the problem the Senator from Virginia raised. I would suggest that the authors of the amendment consider striking the words "notwithstanding any other provision of law or of this act" and in lieu thereof substitute the words "in accordance with law."

Mr. McCURE. Mr. President, will the Senator yield?

Mr. SYMMS. That would be acceptable to this Senator.

Mr. NUNN. I yield the floor.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCURE. Mr. President, I think the suggestion the Senator from Georgia has made is a good suggestion because there are a lot of different provisions of international as well as domestic law. There are a lot of differing provisions in differing treaties. For instance, if I recall correctly—and I think I do—the Limited Test Ban Treaty does not, nor does the Threshold Test Ban Treaty, have a standing consultative commission as a mechanism for determination of whether or not there have been violations, or for consultation with the other party, but other treaties do have such provisions. I think the Senator from Georgia eliminates any possible ambiguity or any possible threat to the provisions even though an existing treaty in force would not be affected by this. But we have here some proposed treaties which have not yet been adhered to, and have not yet been ratified, but we yet do adhere to them. And we expect the other party to adhere to them, as both the administration in this country and the leadership in the other countries have indicated they will do. But I want to return to the point that I made earlier that was underscored by the comments of the Senator from Georgia; that is, that we do indeed have positive evidence of violations of existing treaties, both those that have been ratified and those that have not been ratified. Yet, we have not chosen in those instances to immediately and totally abrogate either our adherence to the spirit or the letter of those proposed documents or the treat-

ties that are in force. I think the Senator from Georgia used the same terminology I have tried to use throughout this debate over the last several months; that is, that indeed you may want to have a measured response to a violation which you can measure, and that it does not have to be all or nothing. It can be a proportionate response that is necessary to respond to the requirements of national security without the abrogation of the treaty or totally repudiating the adherence to the provisions of a treaty even though not ratified.

Mr. MATHIAS. Mr. President, if the Senator would yield?

Mr. McCURE. I would be happy to.

Mr. MATHIAS. I think what the Senator just said is reasonable, and there should be a measured response to a problem of this kind. In fact, in the case of the Peaceful Nuclear Explosions Treaty, there is a consultative body established for exactly that kind of contingency. Let me say to my friend from Idaho that this is, of course, one of those cases in which sauce for the goose is sauce for the gander. There was an instance several years ago, as Senators will remember, in which the United States for benign purposes put covers over our Minuteman missile silos.

The purpose was not some devious intent to conceal the location of the weapons. We made no bones about the fact they were there. But, as the Senator from Idaho suggested, it is cold in that part of the world. For what were known as environmental reasons, what most of us would call keeping out the rain, these shelters were erected. But it obviously did impede overhead cameras from taking pictures. The Soviet Union accused us of a violation. And, technically, they were right.

If the terms of the amendment of the Senator from Idaho were to go into effect, the Soviet Union would have had the right to terminate that treaty immediately.

I do not think any of us would want to see that. We acknowledged the fact we were in error and modified the shelters. We explained why we had done it. That let the episode pass without any adverse effect on the world.

Mr. McCURE. The Senator is correct. Certainly, I think there has to be the opportunity for measured response, rather than total abrogation. We must keep that before us all the time.

I fully support the amendment of my colleague from Idaho for this reason: I do not want anyone reading this debate or seeing this action or reading the reports that will emanate as a result of Senate action on this proposed Kennedy amendment saying, in effect—

Mr. MATHIAS. It is not just the amendment of the Senator from Massachusetts. He deserves the lion's

share of credit, but there are 39 other cosponsors.

Mr. McCURE. I recognize there are other cosponsors.

The point I want to make is that some will read this action by the Senate in the face of Soviet treaty violation, proven or likely to whatever level of proof, as being a reading of the Senate will, saying, "We do not care whether they comply. We just want to have agreements. Paper shelters are far more important than national security and observance of treaties."

I think the amendment now being offered balances this amendment in such a way that people can read and know that the United States is aware of conduct by other parties, that we will reserve to ourselves the right to make a determination of whether or not that conduct is sufficiently threatening to us as to require our response, whether it be without abrogation of the treaty or in terms of a measured response to the violation.

Mr. MATHIAS. If the Senator will yield, the Senator from Georgia has addressed the very point the Senator from Idaho just made by the amendment which he offered, which was added to the underlying agreement.

Mr. WARNER. If the Senator will yield, I just checked with the Parliamentarian; it has not been adopted. I think for clarity of this debate, it should be adopted. Then we have a precise language to discuss.

Mr. McCURE. Mr. President, if I can reclaim the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCURE. Mr. President, there is not any question that while we are talking about the test ban treaty, that the TTBT has been violated. I should not say there is no doubt. There is doubt in the minds of some. Some will doubt any evidence, for whatever reason. But in the mind of this Senator, there is no doubt.

There have been over 14 Soviet underground nuclear weapons tests since 1978 with a yield estimated to be over the 150 kiloton threshold.

Yes, I would say to my colleague, indeed it requires interpretation of data. To those apologists who want to explain it away, they will find a reason to explain it away. They will say that there is uncertainty in the data or in the interpretation of the data, and, therefore, we should at least resolve the issue in favor of the Soviet Union.

I am not that much in favor of the Soviet Union, personally. If you want to look at how we go about determining whether or not there has been a weapons test in the Soviet Union that exceeds the limits of yield which are established in the TTBT, let us look at the methodology and what happened. There is uncertainty, and in order to

avoid some of that uncertainty that was being focused on our allegations that there had been violations of the limits, we revised our methodology.

Immediately after we revised our methodology so that it would remove the ambiguity in favor of the Soviet Union, they immediately increased the size of their weapons tests.

The chart at the back of the room clearly plots that. Only a fool would be misled believing that there is not a pattern to Soviet conduct in reliance upon what we do.

The evidence of yields measured in precisely the same way before and after that change in methodology clearly reveals an immediate and dramatic change in their weapons test program.

You can say that there may be ambiguity about what the tests show, but there is no ambiguity on the fact that when we changed our methodology their conduct immediately changed and the size of the weapons tested went up dramatically immediately after that test methodology was changed.

The result is that they are still at or above the yield level as revealed by the new test methodology.

If that is evidence of good faith on their part, I will eat it. It is evidence of the fact that they want to get just as much out of their test program as our tolerance will allow. They want us to be constrained. They want to be just as unconstrained, not as the letter or the spirit of the treaty will say, but as our tolerance will permit. The Senator from Idaho, in his amendment, has said, in effect, that there are limits to our tolerance.

I think it is important for us to couple with the language of the amendment of the Senator from Massachusetts, together with his multitudinous cosponsors, including, I take it, the Senator from Maryland, we ought to couple with that a caveat.

Mr. MATHIAS. Will the Senator yield for a question?

Mr. McCURE. Yes.

Mr. MATHIAS. Is the Senator aware of the language which has been adopted by the Senate, and is now part of the Kennedy-Mathias amendment, which provides for exactly what the Senator is talking about? That language says that when the President has some concern in the areas of which the Senator has mentioned, that he will make a report containing any plans that he may have to negotiate supplemental verification procedures, or, if the President believes it necessary, any understanding or reservation on the subject of verification he has should be attached to the treaty.

Mr. McCURE. The Senator is aware of that language. While I will not try to get into the cosponsors, as to why they added that language, let me say in all candor it has some holes

in it, because part of what the Senator is talking about is not only existing treaties that have been negotiated and signed, but not ratified; it also deals with the possibility of negotiating further agreements.

That language the Senator has referred to is at least ambiguous with respect to the class of negotiations or obligations to which that language will attach.

Mr. CRANSTON. Mr. President, would the Senator yield?

Mr. McCURE. I am happy to yield.

Mr. CRANSTON. Mr. President, I am concerned about statements that have been made about the administration seemingly indicating that there have been clear violations. I would like to comment briefly on that.

In its January 1984 report on Soviet treaty compliance, the Reagan administration says:

Soviet nuclear testing activities for a number of tests constitute a likely violation of legal obligations under the Threshold Test Ban Treaty.

Mr. McCURE. Mr. President, obviously the Senator from California was not here when I made that statement or he would not make that comment now. The comment the Senator from Maryland had made was with respect to a number of treaties, not just the Threshold Test Ban Treaty. The reference to the likelihood of violation is accurate when it applies only to the Threshold Test Ban Treaty.

Mr. CRANSTON. Mr. President, I would like to comment further, if I may, on that, because that is particularly relevant to our discussion.

While I agree that the report on Soviet compliance raises some serious questions about Soviet violations, certainly that charge of clear violations is not one of them. The administration itself admits:

... in view of ambiguities in the pattern of Soviet testing and in view of verification uncertainties ... we have been unable to reach a definitive conclusion ... on whether the Soviets have violated the TTBT.

Contradictory Government testimony indicates how difficult it is to establish a violation of the TTBT.

The Lawrence Livermore National Laboratory also prepared a report on Soviet compliance with the TTBT. One of the authors of that report, Warren Heckrotte, concluded that:

... the distribution of seismically measured yields of Soviet nuclear weapons tests is not inconsistent with Soviet observance of the 150 kiloton limit. However, the distribution is also not inconsistent with a distribution of actual yields in which there are some events above 150 kilotons. This reflects the statistical nature of the problem.

In recent testimony before Congress, Air Force Chief of Staff Charles Gabriel stated:

Because our methods for determining the yields of Soviet underground nuclear tests are so uncertain, we cannot verify that they

have conducted any underground tests above 150 kilotons since 1976.

Furthermore, other seismologists, using different methods, have come to different conclusions than the administration. Dr. Lynn Sykes, a highly respected seismologist who served on the TTBT negotiating team and serves as a consultant to DARPA, conducted his own study. He concluded that the allegations of Soviet cheating—

are based on a systematic overestimation of the relation between seismic magnitude and explosive yield.

He has also concluded that—

Over the past 5 years the size of the largest Soviet tests come very close to 150 kilotons, but none appear to have exceeded the limit.

A second technical paper on Soviet cheating was prepared in 1983 by Dr. Jack Evernden, formerly with DARPA and now with the U.S. Geological Survey. Evernden's report concluded that:

Based on both seismic body and surface wave magnitude estimates, the U.S.S.R. appears to be complying with the 150 kiloton limit.

Finally, the failure to ratify the TTBT has directly contributed to our inability to determine whether the Soviets are complying with it. The treaty provides for data exchanges that are not taking place pending ratification. By establishing the correlation between stated yields of explosions and the actual seismic signals produced, this data exchange would significantly improve the ability of the United States to measure Soviet test explosions.

For all these reasons and many others, Mr. President, I think we should proceed to approve the Kennedy-Nunn amendment without further change in it.

Mr. McCURE. Mr. President, I respect the opinion of the Senator from California, to which he is certainly entitled. I would also suspect that, while he has focused on the President's report with respect to TTBT, he also knows that the President's report found that there was evidence which, in the President's review and statement, is that the Soviet Union has violated the chemical, biological, and toxic weapons convention and the 1925 Geneva protocol, to which the United States and the U.S.S.R. are both parties, and that the Soviet Union violated the Helsinki Final Act; and that, I think, is without question. I think even the Senator from California might confess that that is true.

With respect to the ABM Treaty, the President found that the construction of that radar to which much reference has been made almost certainly constitutes a violation, and I quote the President's words.

Now, we might take the President's word and say that since he said

"almost certainly," I suppose those apologists would turn around and say, well, that means that it is not certain, it is only almost certain.

With respect to SALT II, there is not any question that encryption interferes with natural means of verification. There is no question on that. That is a violation of the treaty.

So, let us not just focus on one area upon which reasonable minds may well differ, although I arrive at a different conclusion than the Senator from California does with respect to that, but let us take a look at the SSX-25 and the SS-16, violations of the proposed SALT II Treaty.

All I am suggesting in this debate with respect to my colleagues' proposed modification is that while we are saying to the Soviet Union that we are willing to negotiate further and we are willing to try to tighten up the proposals that are before us so that, indeed, we might be able to be certain of whether or not they are violating the Threshold Test Ban Treaty at the same time we are signaling our willingness to look at those issues, we ought also to say to them that we are aware of the fact that they are violating and we reserve to ourselves the right to respond according to the provisions of law to protect the security of the United States.

Surely, Mr. President, no one in this body really objects to that kind of statement, that the United States is going to look at the pattern or the reality or the suspicion of violations in ways that will lead either to the elimination of the violations or the elimination of the uncertainty, or the opportunity for the United States to respond in manners which are necessary to protect the security of the country. That is the way I read what my colleague from Idaho is suggesting and I think it would be almost unspeakable for the Senate of the United States to reject that kind of statement.

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. McCLURE. Yes, I yield.

Mr. SYMMS. Mr. President, I would like to ask the Parliamentarian, has the amendment been modified at the desk? If not, I shall send my modification to the desk.

The PRESIDING OFFICER. The amendment has been modified just once.

Mr. SYMMS. So it says "in accordance with United States law, the United States"—

The PRESIDING OFFICER. It does not say that.

Mr. HELMS. Mr. President, will the Senator withhold that?

Mr. SYMMS. I shall withhold, and without losing my right to the floor, I yield to the Senator from North Carolina for a question.

Mr. HELMS. Mr. President, I advise the Senator I am not going to ask a

question, I am going to make a statement. I suggest he ask unanimous consent that he not lose his right to the floor.

Mr. SYMMS. I ask unanimous consent that I not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I think the legislative history ought to be made clear as to what the modification means that the Senator is holding in his hands. What does it mean to say "in accordance with United States law"?

Mr. SYMMS. Mr. President, what that means is that in U.S. law, and that is according to international treaty law, anytime there is a violation by another party of the treaty with the United States, in accordance with that law, we are not bound by that treaty.

Mr. HELMS. I understand that, I say to my friends, but what inhibitions would this place on the President or our Government, to say "in accordance with U.S. law"?

Bear in mind, Mr. President, we are talking about a test ban treaty that has not been ratified by the Soviet Union or the United States.

Mr. SYMMS. I am not a constitutional lawyer or any lawyer at all, Mr. President, but to my way of thinking, this means the President of the United States does have the responsibility to carry out U.S. policy for the security of this country and that, in this particular instance, he would have that responsibility. As Senator GOLDWATER pointed out to us earlier, with respect to the abrogation of the treaties, even though several of us here disagree with what happened, President Carter did abrogate the conventional defense pact with the Republic of China, and it held up in court. So I think it is clearly a Presidential responsibility.

Mr. HELMS. So the Senator contemplates, to read the precise language, that in accordance with U.S. law, the Commander in Chief would have the authority to act without—

Mr. SYMMS. I am sorry, Mr. President; I could not hear the Senator's question.

Mr. HELMS. I inquire of the Senator, reading from the proposed modification of the amendment, which I am delighted and honored to cosponsor, as modified, it would read:

In accordance with U.S. law, the United States shall have no obligation to comply

And so forth.

Mr. SYMMS. I am told by the lawyers on the Armed Services Committee staff, it should read, "In accordance with international law."

Mr. HELMS. That goes a long way toward answering my question. I hope the RECORD is clear that we are talking about a treaty that has been ratified

by neither the United States nor the Soviet Union. I have no objection to the modification.

Mr. SYMMS. Mr. President, I send my modification to the desk, and I ask for the yeas and nays.

The PRESIDING OFFICER [Mr. COCHRAN]. The Senator has a right to modify his amendment. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the amendment, add the following:

"In accordance with international law, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating."

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I would like to have the modification read to the Senate because I have seen two versions of it. I want to know on what I am to vote.

The PRESIDING OFFICER. The clerk will read the modification.

The assistant legislative clerk read as follows:

Strike the words, "notwithstanding any other provision of law or of this act" and insert in lieu thereof, "in accordance with international law."

Mr. WARNER. Mr. President, I thank the distinguished Senator from Idaho for the modification. It is clear now. It reads "international law" and not just in accordance with law.

My question to the Senator from Idaho is, now that we have recast this, what is it that the Senate is about to do other than reaffirm what is already customary international law as expressed in Article 60 of the Vienna Convention on the Law of Treaties?

Mr. SYMMS. Every time the Senate votes, there is a statement in the press, like in today's press, "The Senate voted yesterday to comply with the SALT II Treaty."

This is going to say that in view of all other considerations with respect to international law, if the Soviets are in fact violating treaties—on which there is substantial evidence—the United States will not be bound to uphold any treaty to which they are in bilateral agreement with the Soviet Union. We are making a statement that the Senate is not as naive as it might appear sometimes, according to the votes that are reported in the newspapers.

Mr. WARNER. Mr. President, in short, we are reaffirming existing law. Is that correct?

Mr. SYMMS. Yes.

Mr. WARNER. That is all I wish to know.

Mr. SYMMS. Mr. President, I ask unanimous consent that the following letters be printed in the RECORD as part of legislative history:

First, letter to the President from three Senators regarding three documents on Soviet arms control compliance, dated April 11, 1984.

Second, letter to the President from four Senators requesting a report on the CIA's apparent attempt to downplay evidence that the Soviet KGB played a role in the attempted assassination of the Pope.

Third, letter to the President on Soviet SALT violations, by Senator HELMS, dated May 8, 1984.

Fourth, letter to the President on Soviet SALT violations, by Senator HELMS, dated February 27, 1984.

Fifth, response to Senator HELMS from the White House, dated April 23, 1984.

Sixth, two letters to the President from eight Senators on further Soviet SALT violations, dated January 27, 1984 and January 26, 1984.

Seventh, a Dear Colleague letter, from Senator HELMS, and attachment on U.S. defense spending, dated May 1, 1984.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U. S. SENATE,

Washington, DC, April 11, 1984.

HON. RONALD REAGAN,
The President, the White House, Washington, DC.

DEAR MR. PRESIDENT: We have been concerned for some time about arms control verification, Soviet violations of arms control treaties, and Soviet breakout from arms control restraints. We therefore request the following documents to be sent to S-407 in the Capitol, the Senate National Security Office:

1. The Soviet Strategic Planning Process and SALT (U) TS Codeword, by David S. Sullivan, Volume 1, March 1978 (13pp), Volume 2, June 1978 (157pp).

2. Prospects for SALT Verification and Breakout Warning (U) TS Codeword, by William R. Harris, RAND R-2093 ACDA, 30 Nov. 1977, Nov. 1977, (180pp.), ACDA Contract AC6AC406.

3. A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983 (U) GAC Report TS Codeword, November, 1983, (275pp).

We also request that briefings be prepared for us and our cleared staff on these three studies.

With warmest personal regards.

Sincerely,

STEVEN D. SYMMS.
ORRIN G. HATCH.
JAMES A. MCCLURE.

U. S. SENATE,

Washington, DC, April 11, 1984.

HON. RONALD REAGAN,
The President, the White House, Washington, DC.

DEAR MR. PRESIDENT: Some of us wrote to you on January 31, 1983 requesting a report on the CIA's behavior in uncovering or suppressing evidence of the KGB's role in the plot to assassinate Pope John Paul in June 1981. These requests for information on the

KGB's role in the Papal assassination plot have been ignored by the CIA. Meanwhile, two authoritative books on the subject have been published, one by Claire Sterling entitled *The Day of the Assassins*, and another by Paul Henze entitled *The Plot to Kill the Pope*. We suspect that the CIA has tried to downplay the KGB's role in this plot, apparently for political reasons—a fear of criticizing the Soviet Union. Both of the above books have reached similar conclusions about the CIA's reluctance to report the KGB's role in the Papal assassination plot.

We respectfully request that we be provided with an authoritative response to our original letters. Perhaps you could arrange a briefing for us and some of our cleared staff. This issue could become politically sensitive in the 1984 campaign. An amendment to the FY 1985 Intelligence Authorization Bill calling for a report on this matter may be helpful to the Administration.

With warmest personal regards.

Sincerely,

STEVEN D. SYMMS.
ORRIN G. HATCH.
JAMES A. MCCLURE.
ALFONSE M. D'AMATO.

U. S. SENATE,

Washington, DC, May 8, 1984.

The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I enclose a copy of a letter signed by Mr. Oglesby which, frankly, is totally unresponsive to my letter to you dated February 27, 1984 (also enclosed) concerning the military implications of Soviet arms control violations. Mr. Oglesby's response did not even address my five specific questions. I am confident you are not personally aware of Mr. Oglesby's statements.

Mr. Oglesby stated:

"We have carefully assessed the military impact of Soviet non-compliance. In particular, since the SS-X-25 and the Krasnoyarsk radars are not operational, there are no direct short-term military risks associated with these. In the near term, the US defense modernization program, including strategic, conventional, and chemical programs, once fully funded, would be adequate to cope with the direct military implications and the potential dangers to US security of these Soviet actions." (Emphasis added.)

This extraordinary language appears to concede strategic superiority to the Soviet Union, and is identical to language used by the State Department in a March 12, 1984 response to a Congressman, which was earlier made available.

It is worthwhile to recall the words of the 1980 Republican Platform with regard to achieving strategic superiority over the Soviet Union. The Republican Platform pledged that the US should "ultimately reach the position of military superiority over the Russians 'that the American people demand.' It added that Republicans 'approve and endorse' the goal of achieving 'overall military and technological superiority over the Soviet Union.'"

There is a gross inconsistency between ignoring the risk of Soviet SALT violations, and the 1980 Platform pledge of "superiority." I respectfully request that you consider this inconsistency.

Moreover, I would point out that the State Department assessment that "full funding" of your defense request would provide at best only "adequate" national security was made before the Administration

agreed on March 15, 1984 to a \$22 billion further cut in the defense budget.

I also call your attention to Defense Secretary Weinberger's letter to me of April 5, 1984, which stated in contrast to the State Department assessment:

"We, too, are deeply concerned about the potential military implications of Soviet SALT violations... Far more serious are the implications for the overall defense posture of the United States relative to that of the Soviet Union... some possible outcomes of an effective ABM system or a new mobile ICBM could provide the Soviets with a decisive edge in strategic offensive and defensive capabilities..." (Emphasis added.)

Mr. President, I must ask: Do you agree with Mr. Oglesby's capitulation to the State Department's assessment? Moreover, it would be helpful to know your reasoning as to why we should wait for the Soviet SS-25 and ABM radars to become operational before we respond to their threat.

With warmest personal regards.

Sincerely,

JESSE HELMS.

U. S. SENATE,

Washington, DC, February 27, 1984.

The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I deeply appreciate the work done by you and the Administration in preparing the recent report on Soviet non-compliance with arms control agreements, and I believe that information provided will be of great value to Congress in the coming months in assessing the growing national security problems facing our country.

Although the report was fairly narrow in its focus, in that it concentrated on seven specific examples of Soviet misconduct and deception, I believe that the noncompliance report was an excellent beginning in establishing a formal record of Soviet disregard for international obligations in arms control.

I also feel, however, that much more remains to be done and that time is of critical importance both in informing the public concerning Soviet behavior and in determining what steps our country must take to maintain national security in response to Soviet violations. Moreover, in the process of assessing the threat posed by Soviet violations and the required actions to counter that threat, Congressional understanding of the full scope of Soviet violations is fundamentally necessary.

Specifically, I have noted media reports that you have recently received a National Security Council assessment of Soviet development (in direct violation of the Biological Warfare Convention) of an entirely new form of offensive biological warfare in which genetic engineering has been employed to develop super-virulent forms of viruses and other lethal agents. If these media accounts are correct, I respectfully request that the report you received be appropriately transmitted to Congress since its contents would have direct impact on Congressional action concerning a variety of national defense programs now under review.

I understand further that the General Assembly Committee of the Arms Control and Disarmament Agency has also recently prepared for you a much more comprehensive report on Soviet arms control violations than the report previously submitted to Congress. Again, I strongly believe that, to the maximum extent possible, Congress

should be apprised of all Soviet arms control violations and not simply of several important examples. I recognize, of course, that you must exercise great care in this area for a number of reasons, but we also feel that an overriding concern must be potential damage to the security of the United States arising from a failure of Congress to understand fully the complete extent of Soviet non-compliance and the exact nature and security implications of Soviet violations.

Finally, I view with some dismay reports that some top Administration officials are suggesting even further agreements with the Soviets when it is becoming increasingly apparent that the United States abides by these negotiated limitations while the Soviet Union ignores them. While we must always seek opportunities for peaceful relations with the Soviet Union, I believe that the United States ought not to impede its own defenses with arms limitations until the Soviet Union has demonstrated through concrete action that it intends to cease violation of those agreements already extant.

For that reason, I commend you for the new realism that you have brought to our dealings with the Soviet Union in arms control (and in other areas), and I particularly value your resistance to the advice of some who would make any agreement with the Soviet Union, regardless of its security results, simply to obtain some perceived domestic political advantage in putting a bright face on relations with a deceptive, untrustworthy, and hostile adversary.

I, therefore, look forward to working with you in the coming months to develop a realistic and firm response to Soviet breach of its international obligations in arms control, and I reiterate my request for more comprehensive data bearing on that subject.

I request that I be provided answers to the following specific questions:

(1) Are there any indications that the Soviets are preparing to deploy both the new SS-X-24 and SS-X-25 ICBMs in both a silo and a mobile mode? Will one of these ICBMs be deployed in a mobile mode on railroads, and the other as a road-mobile ICBM? Is there some indication that hardened railroad tunnels might be used to shelter the rail-mobile missiles?

(2) Do the Soviets have underwater tunnels for protecting their strategic missile carrying submarines from nuclear attack? What percentage of the Soviet Submarine-Launched Ballistic Missile force not on patrol could be so protected?

(3) If the Soviets have already constructed large numbers of extremely hardened ICBM silos, road-mobile ICBMs, rail tunnels for rail-mobile ICBMs, underwater tunnels for SLBMs, and then go on to defend a high proportion of their ICBM warheads with an ABM system, will the Soviets largely erode the US deterrent retaliatory capability?

(4) When will the Soviets be able to significantly erode the US retaliatory deterrent capability?

(5) What will be the geo-strategic effects of such a Soviet invulnerable first strike counterforce capability?

With warmest personal regards,
Very respectfully,

JESSE HELMS.

THE WHITE HOUSE,
Washington, DC, April 23, 1984.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: This is in further response to your February 27 letter to the

President concerning issues of arms control compliance. The President shares your concern about Soviet non-compliance with arms control agreements, as was evidenced by his January 23 report to Congress detailing seven specific areas of non-compliance or probable non-compliance by the Soviet Union.

With regard to your specific question on Soviet offensive biological warfare development, this was briefly covered in the President's Report to Congress. We are continuing to study these developments and if significant new information emerges relevant committees of the Congress will be briefed. As your letter also noted, the President has received a highly classified internal report on Soviet arms control compliance from his General Advisory Committee on Arms Control and Disarmament. Briefings on this internal report have been provided to selected Congressional Committees, and we are prepared to facilitate your receiving this briefing as well.

The question of deployment modes for the SS-X-24 and SS-X-25 have similarly been briefed to relevant committees. As analyses of these and other issues addressed in your letter, including Soviet protection schemes for strategic missiles-carrying submarines, progress and new information develops, the Congress will be appropriately informed.

All of the specific questions raised in your letter point toward a central theme concerning whether these Soviet developments, and particularly Soviet arms control compliance behavior, are eroding the U.S. deterrent retaliatory capability. We have carefully assessed the military impact of Soviet non-compliance. In particular, since the SS-X-25 and the Krasnoyarsk radars are not operational, there are no direct short-term military risks associated with these. Soviet chemical and biological warfare activities have security implications. In the near term, the U.S. defense modernization program, including strategic, conventional, and chemical programs, once fully funded, would be adequate to cope with the direct military implications and the potential dangers to U.S. security of these Soviet actions. However, there are serious longer-term implications of Soviet noncompliance for both Soviet and U.S. defense postures which we will need to take fully into account in terms of potential dangers to U.S. security.

Finally, it continues to be U.S. policy to seek to negotiate arms control agreements that reduce the risk of war, enhance U.S. and Allied security, and contain effective verification provisions. The President is committed to policies which enhance the prospect for peace and reduce the risks of war. He believes that equitable arms reductions agreements with effective verification provisions will, if complied with, enhance security at substantially reduced, equal levels of forces on both sides. In this way, such agreements can make a major contribution to international security and stability. However, ensuring compliance with arms control agreements remains a serious problem. Improved verification provisions and better treaty drafting will help, but it remains fundamentally important that the Soviets take a constructive attitude toward compliance.

I hope this information is helpful to you and clarifies the Administration's position regarding the negotiation of arms control agreements with the Soviet Union in light of the compliance problems analyzed in the President's Report to Congress.

With best wishes,
Sincerely,

M. B. OGLESBY, Jr.,
Assistant to the President.

U.S. SENATE,
Washington, DC, May 1, 1984.

DEAR COLLEAGUE: I am enclosing a statement by Senator Symms made yesterday on the floor of the Senate, which I found especially perceptive. I want to make sure that you are aware of it.

Senator Symms points out in his statement that the current funding for national defense is now well below levels recommended by former President Carter in January, 1981, and more than \$123 billion below levels recommended by President Reagan in March of 1981. I found those facts particularly alarming, since they emphasize the failure of Congress to support required programs for national security.

I hope that you will take Senator Symms' comments and the facts he provided into account as you deliberate your own position on defense spending and on protecting our national security and preserving our freedoms.

With very best regards,
Sincerely,

JESSE HELMS.

REAGAN DEFENSE PROGRAM BELOW CARTER
PLAN

Mr. SYMMS. Mr. President, on March 15, 1984 under congressional pressure, President Reagan agreed to \$22 billion in further cuts in defense spending. As a result, the last vestiges of the 1981 Reagan defense build-up were eliminated, and the Reagan defense program is \$5 to \$10 billion below the levels of defense spending which President Carter felt were required but which were rejected by the American people as inadequate.

Although the Washington Post, the New York Times, and other so-called national media have studiously ignored this subject—about which the public ought to be better informed—the New York Post of March 26, 1984, published a superb editorial giving the facts on defense spending and bringing into focus the adverse national security effects of congressional attacks on the 1981 Reagan plan.

At a time when the number of Russian nuclear warheads aimed at the American people has almost doubled in little more than 4 years, I believe that Senators should take the time to read the New York Post editorial and to consider the implications of the facts outlined in it.

Accordingly, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Post, Mar. 26, 1984]
DO NOT LET FALSE ECONOMY IMPERIL
NATION'S DEFENSES

President Reagan's package deal with the Republican Congressional leaders for a \$150 billion reduction in the deficit over the next three years clearly is not the end of the affair especially as it affects defense.

Indeed, the election-year battle over the deficit is only just beginning.

Reagan says he agreed to cut defense spending by \$57 billion over the period only after the Republicans pledged that the new military budget proposal would be treated as the floor—not as a ceiling for still further cuts.

The President should watch out.

House Speaker Tip O'Neill describes Reagan's concession to the Republicans as merely a first step and Democratic House leader Rep. Jim Wright says: "We think we can do a better job."

DOUBLE CUT

The "better job" which the House Democrats propose is to cut defense spending by \$95.5 billion—almost double the Republican figure—and impose much higher taxes and delay by at least two years the plan to link tax brackets to inflation.

When push comes to shove in an election year, what is the prospect for holding the line on defense spending?

Let no one be under any illusions. Under Reagan, there has actually been a steady reduction in the growth of defense spending.

The Joint Chiefs of Staff, in their latest posture statement to Congress, make this quite clear.

"The original (Reagan) defense program submitted in March 1981, was estimated to add \$116 billion spending for fiscal year 1982 through fiscal year 1986 over the total proposed by the (Carter) administration.

"To date, almost \$104 billion of that increment has been removed through a series of reductions and economies of operation—as well as the actions of the Congress."

The total cuts—by Congress and through Pentagon economies—left only \$12 billion for increased spending before Reagan made his deal with the Republican leaders.

CARTER'S FIGURES

His compromise cut \$6 billion from the proposed fiscal year 1985 budget and a further \$16 billion from fiscal year 1986 spending.

The Defense Department is now operating at \$10 billion below Reagan's original request for increased spending.

A comparison of President Carter's last budget in January 1981 with Reagan's budget when he took office and what he has now accepted is instructive (by fiscal years):

	Fiscal year—				
	1982	1983	1984	1985	1986
Carter: January 1981.....	184	210	238	268	300
Reagan: March 1981.....	189	226	256	304	343
March 1984.....	187	210	240	266	294

Reagan is \$123 billion below the level of defense spending he originally proposed and at least \$5 billion below what Carter considered necessary.

Who would believe it? Carter, of course, tried to hold defense spending down during his four years and largely succeeded. But Afghanistan opened his eyes and when he left office real growth in defense spending was running at 12 percent annually.

Since Reagan's inauguration it has declined steadily to the present 4 percent.

How does this conform with reality?

Richard D. DeLauer, Under Secretary of Defense for Research and Engineering, has provided Congress with a disturbing answer.

SOVIET OUTLAYS

Except for major surface ships, between 1974-83 the Soviets have substantially outproduced the U.S.—not only for their own forces but also for their surrogates around the world. The Warsaw Pact military advantage over NATO in major weapons is two to one.

DeLauer lists 50 of roughly 200 Soviet weapons programs expected to become operational in the 1980's—to be added to 80 systems deployed since 1980 (twice the U.S. deployment).

Item: Soviet military research institutes doubled from 1,500 to 1960 to more than 3,000 today. Military R&D now accounts for virtually all Soviet research, compared with 30 percent in the U.S.

Item: The dollar cost of Soviet military investment over the last 10 years has exceeded that of the U.S. by \$450 billion—due to increased R&D spending.

Item: The Soviets spent \$200 billion more to buy weapons than the U.S. in the past 10 years. The cost of Soviet weapons R&D alone was \$185 billion more than in the U.S.

Item: Over the past 10 years, total dollar costs of Soviet strategic forces exceeded that of the U.S. by about \$250 billion (in constant 1985 dollars) almost double U.S. spending for strategic forces.

Item: The cost of Soviet strategic defense weapons—the world's most extensive—was many more times that of U.S. spending on bomber forces.

Item: The estimated inventory value of Soviet strategic offensive weapons has exceeded that of the U.S. since the mid-1980's. It is now about one-fourth greater. During the 1970's detente—or SALT—period the U.S. "essentially eliminated strategic defense procurement and forces."

HOLD THE LINE

"While there is significant uncertainty in these estimates," says DeLauer, "this long-term trend cannot be allowed to continue."

Is it reasonable, in an election year, to expect that we at least can hold the line?

U.S. SENATE,

Washington, DC, January 27, 1984.

Hon. RONALD REAGAN,

The President, the White House, Washington, DC.

DEAR MR. PRESIDENT: We strongly congratulate you on your statesmanlike leadership in publishing The President's Report to the Congress on Soviet Noncompliance with Arms Control Agreements. This was an excellent report. We look forward to working with you to strengthen United States national security in the face of the Soviet SALT violations.

Yet we respectfully suggest there is more to be done. We need not remind you that the July 1980 Republican Party Platform explicitly states:

"The Republican Party deplores the attempts of the Carter Administration to cover-up Soviet non-compliance with arms control agreements. . . . We pledge to end the Carter cover-up of Soviet violations of SALT I and II."

It has been widely discussed in the intelligence community that there were over 32 outstanding cases of Soviet SALT and other arms control violations which occurred under the Carter-Mondale Administration prior to July 1980, and which were covered up or explained away by the Carter-Mondale Administration. Intelligence information on some of these SALT violations was actually suppressed by the Carter-Mondale Administration, which issued a White Paper in February 1978 giving the Soviets a clean bill of health on SALT I compliance. Many of the multiple Soviet SALT I violations have been confirmed by former Secretary of State Kissinger and former Defense Secretary Laird.

We have carefully studied the seven violations in your recent report. We believe that

it is reasonable to conclude that all seven Soviet SALT and arms control treaty violations cited in your report were either detected after the July 1980 Platform Statement or became conclusive after that time.

Your report states that there is "an expanding pattern of Soviet violations or possible violations of arms control agreements." It also states that "Additional issues of concern are under active study." State Department policy guidance for public diplomacy has stated that "The Soviets are violating or probably violating certain provisions of other major agreements. There have been additional Soviet activities over the past year which have added to our concern."

We strongly agree. The legislative history in the Senate of the amendment requesting your report on Soviet SALT violations specified that all Soviet violations of both the letter and the spirit of all arms control treaties to which the Soviets are party should be provided.

Accordingly, we respectfully request an additional Presidential report on all Soviet SALT I and II and other arms control treaty violations which occurred prior to July 1980. Some of these pre-1980 SALT I violations such as Soviet deployment of the SS-19 ICBM and Soviet construction of ABM Battle-Management radars and ABM mode SAM tests, appear to be even more conclusive and serious than the seven cases in your report. Moreover, many of them have been confirmed by Dr. Kissinger and Secretary Laird. We therefore request that you update the Carter-Mondale White Paper of 1978.

We also request that you send to us a copy of the report of your Arms Control General Advisory Committee analyzing seventeen Soviet arms control violations since 1958.

Attached is an unclassified partial list of these Soviet SALT and other arms control treaty violations which were covered-up by the Carter-Mondale Administration.

Mr. President, we strongly support efforts to preserve the integrity of the arms control process by challenging Soviet SALT violations. We all are trying to safeguard world peace.

As you yourself said at the United Nations General Assembly on June 17, 1982:

"Simply collecting agreements will not bring peace. Agreements genuinely reinforce peace only when they are kept. Otherwise we are building a paper castle that will be blown away by the winds of war."

And as former Reagan Administration Arms Control Director Eugene Rostow testified to Congress in July 1981: "No arms control agreement can contribute to the goal of a peaceful world unless we have confidence that the Soviet Union is abiding by its terms."

With warmest personal regards.

Sincerely,

JESSE HELMS.
JEREMIAH DENTON.
JAMES A. MCCLURE.
LARRY PRESSLER.
ORRIN HATCH.
ROGER W. JEPSEN.
BOB KASTEN.
STEVE SYMMS.

SOVIET SALT I AND II VIOLATIONS COVERED UP BY CARTER-MONDALE ADMINISTRATION

A. SALT I ANTI-BALLISTIC MISSILE TREATY

1. Soviet SAM testing in an ABM mode. Former Secretary of State Henry Kissinger has conceded this is a Soviet SALT "violation" on September 12, 1982.

2. Soviet deployment of ABM Battle Management Radars.
3. Soviet ABM camouflage.
4. Soviet falsification of ABM deactivation.
5. Soviet creation of a new ABM Test Range without the required prior notification.
6. Soviet deployment of a rapidly deployable, mobile ABM.

B. SALT I INTERIM AGREEMENT ON OFFENSIVE WEAPONS

1. Soviet deployment of the heavy SS-19 ICBM as the replacement for the light SS-11 ICBM, which is the most dangerous of all Soviet SALT violations. On August 12, 1979, Dr. Henry Kissinger conceded that this deployment constituted "sharp practice" by the Soviets. In 1974, former Defense Secretary Melvin Laird termed SS-19 deployment a clearcut "violation".

2. Soviet failure to deactivate old ICBMs on time, and falsification of official reports.

3. Bringing back ICBM equipment to a deactivated ICBM complex.

4. Keeping 18 SS-9 ICBMs illegally operational at a test range, which was conceded in the explanation of the SALT II Treaty.

5. Soviet deployment of "III X" silos with a configuration similar to a missile launch silo.

6. Soviet massive use of deliberate camouflage, concealment, and deception which actually increased after 1972, and which constituted deliberate interference with United States National Technical Means of verification:

Encryption of missile telemetry.
Camouflage of ICBM testing, production, deployment.

Concealment of SLBM submarine construction, berthing, construction of dummy submarines and their concealment, construction of berthing tunnels.

7. Constructing over 68 strategic submarines, when only 62 were allowed.

8. SS-20 mobile missile deployment, which should count as mobile ICBM deployment.

9. Violation of Brezhnev's pledge not to build mobile ICBMs.

10. Deploying SS-11 ICBMs at SS-4 MRBM sites, probably having a covert soft launch capability.

11. Keeping about 1,300 to several thousand old ICBMs stockpiled for both covert launch and rapid reload of silos for refire.

C. SALT II TREATY

1. Soviet encryption of telemetry on SS-NX-20 "Typhoon" SLBM.

2. Soviet encryption of telemetry on SS-18 Mod X ICBM.

3. Soviet encryption of telemetry on SS-NX-19 SLCM.

4. Soviet encryption of telemetry on SS-20 IRBM.

5. Soviet camouflage of new submarines.

6. Soviet SS-20 deployment.

7. Soviet continued stockpiling of SS-16 mobile ICBMs.

8. Soviet AS-3 Kangaroo Air-to-Surface missiles with range of 650 kilometers on the TU-95 Bear bomber.

9. Soviet AS-6 Air to Surface missile with range of 1,000 kilometers on Backfire bombers.

10. Reported Soviet rapid reload and refire exercises for the SS-18 cold-launched ICBM.

D. OTHER ARMS CONTROL TREATY VIOLATIONS COVERED UP BY CARTER ADMINISTRATION

1. Over 30 unambiguous Soviet ventings of radioactive debris from underground nuclear tests in violation of the 1963 Limited Test

Ban Treaty. These ventings are all unequivocal, and resulted in the spread of radio-active debris outside of Soviet borders.

2. Over eight Soviet underground nuclear weapons tests probably over 150 kilotons, in violation of the 1974 Threshold Test Ban Treaty.

3. Over six Soviet violations of the Kennedy-Khrushchev Agreement of 1962.

(a) Soviet Combat Brigade in Cuba.

(b) Golf and Echo Class submarines at Cienfuegos.

(c) Cienfuegos strategic submarines base with nuclear warhead storage facility.

(d) Nuclear delivery capable aircraft. 40 MIG-23 or 27 Floggers. 12 TU-95 Bear bombers with operable bomb-bays.

(e) Use of Cuba as a revolutionary base.

(f) Probable Biological and Chemical Warfare Facilities.

U.S. SENATE,

Washington, DC, January 26, 1984.

Hon. RONALD REAGAN,
The President, the White House,
Washington, DC.

DEAR MR. PRESIDENT: We greatly appreciate your excellent recent President's Report to Congress on Soviet Noncompliance with Arms Control Agreements. We believe that the report has serious implications for national security, and we intend to cooperate with you fully in dealing with the increased threat to United States national security which Soviet SALT violations represent.

Your report states that there is "an expanding pattern of Soviet violations or possible violations of arms control agreements." It also states that "additional issues of concern are under active study." State Department policy guidance for public diplomacy has stated that "The Soviets are violating or probably violating certain provisions of other major agreements. There have been additional Soviet activities over the past year which have added to our concern."

We strongly agree with you. The legislative history in the Senate of the amendment requesting your report on Soviet SALT violations specified that all Soviet violations of both the letter and the spirit of all arms control treaties to which the Soviet Union is party should be provided in an unclassified report.

In particular, therefore, we request a further public report on some serious new Soviet violations of the SALT II Treaty reported recently in the press:

Production of more than 30 Backfire bombers per year;

Arctic staging of Backfire bombers;

The Intercontinental range of 8,900 kilometers and refueling capability of the Backfire bomber;

Continued production of TU-95H Bear bombers to be equipped with long range cruise missiles;

Development of a new heavy Submarine-Launched Ballistic Missile, the SS-NX-23;

Early deployment of 100 SS-X-24 Inter-Continental Ballistic Missiles carrying Multiple-Independently-Targetable Re-entry Vehicles, in single warhead SS-11 ICBM silos;

Soviet admission in November 1983 at the SALT Standing Consultative Commission of the fact that their forces exceed all three SALT II ceilings on MIRVs and bombers equipped with long range cruise missiles, 820, 1200, and 1320;

The Soviet refusal to dismantle over 250 strategic delivery vehicles by the end of 1981 in order to comply with the SALT II ceiling of 2250 strategic delivery vehicles;

and continued expansion of their forces since 1981;

The seriously increased and widespread pattern of Soviet camouflage, concealment, and deception.

Several additional well known Soviet violations of SALT II need to be reported upon:

SS-18 rapid reload refire capability as a violation of the SALT II prohibition on rapid reload and refire capabilities;

Deployment of AS-3 Kangaroo Air to Surface missiles with range of "650 Kilometers" (see Soviet Military Power) on 100 TU-95 Bear bombers, in further violation of the SALT II Data Exchange and the 1320 ceiling;

Deployment of new long range air-launched cruise missiles on Bear and Backfire bombers, in further violation of the 1320 ceiling.

In addition, there have been some recent press reports of Soviet violations of the SALT I ABM Treaty which also need to be reported on:

Soviet testing of Surface-to-air missiles in a prohibited ABM mode, such as SAM-5s, SAM-10s, and SAM-12s;

Deployment of five other prohibited Battle-Management radars, in addition to the Abalakovo radar;

Development and mass production of a prohibited mobile, rapidly deployable ABM, the ABM-3 and its SH-04 and SH-08 interceptor missiles and mobile radars;

Testing of a prohibited ABM rapid reload and refire capability;

Deployment of a prohibited nation-wide ABM defense;

Deployment of more than 100 ABM launchers around Moscow.

Mr. President, we strongly support your efforts to preserve the integrity of the arms control process by challenging Soviet SALT violations. We all are trying to safeguard world peace.

As you yourself said at the United Nations General Assembly on June 17, 1982:

"Simply collecting agreements will not bring peace. Agreements genuinely reinforce peace only when they are kept. Otherwise we are building a paper castle that will be blown away by the winds of war."

And as former Reagan Administration Arms Control Director Eugene Rostow testified to Congress in July 1981: "No arms control agreement can contribute to the goal of a peaceful world unless we have confidence that the Soviet Union is abiding by its terms."

We thank you in advance for your prompt responsiveness to this request.

With warmest personal regards.

Sincerely,

Jesse Helms, Larry Pressler, Roger W. Jepsen, Steve Symms, James A. McClure, Jeremiah Denton, Orrin Hatch, Bob Kasten.

U.S. SENATE,

Washington, DC, June 18, 1984.

Hon. CASPAR WEINBERGER,
Secretary of Defense, Department of Defense,
Washington, DC.

DEAR CAP: Comparison of the last two editions of the United States Defense Department's book, Soviet Military Power, reveals that the Soviets are producing Backfire bombers at the rate of 35 per year. But the Soviets promised, as an integral part of the SALT II Treaty, not to produce more than 30 Backfire bombers per year.

I would like to receive answers to two simple questions.

First, are the Soviets in fact producing 35 Backfires per year, as the Defense Department's own information reveals? If so, this would be another violation of SALT II.

Second, are we able to determine with confidence the annual Soviet Backfire production rate? If not, then SALT II must be deemed unverifiable.

I thank you in advance for your prompt answers to my two questions.

With warmest personal regards,

Sincerely,

JESSE.

The PRESIDING OFFICER. Is there further debate?

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. KENNEDY. I object to that, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARNER. Mr. President, for purposes of assisting those who may examine the RECORD and study the legislative history of the pending amendment, I will read from Article 60 of the Vienna Convention on the Law of Treaties as published on April 24, 1970. Commencing on page 27:

TERMINATION OR SUSPENSION OF THE OPERATION OF A TREATY AS A CONSEQUENCE OF ITS BREACH

1. A material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in whole or in part.

2. A material breach of a multilateral treaty by one of the parties entitles:

(a) the other parties by unanimous agreement to suspend the operation of the treaty in whole or in part or to terminate it either:

(i) in the relations between themselves and the defaulting State; or

(ii) as between all the parties;

(b) a party specially affected by the breach to invoke it as a ground for suspending the operation of the treaty in whole or in part in the relations between itself and the defaulting State;

(c) any party other than the defaulting State to invoke the breach as a ground for suspending the operation of the treaty in whole or in part with respect to itself if the treaty is of such a character that a material breach of its provisions by one party radically changes the position of every party with respect to the further performance of its obligations under the treaty.

3. A material breach of a treaty, for the purposes of this article, consists in:

(a) a repudiation of the treaty not sanctioned by the present Convention; or

(b) the violation of a provision essential to the accomplishment of the object or purpose of the treaty.

4. The foregoing paragraphs are without prejudice to any provision in the treaty applicable in the event of a breach.

5. Paragraphs 1 to 3 do not apply to provisions relating to the protection of the human person contained in treaties of a humanitarian character, in particular to provisions prohibiting any form of reprisals against persons protected by such treaties.

Mr. NUNN. Mr. President, I have had an opportunity to look at this Symms amendment as it has been modified. As I understand it—and I do not have it in front of me—the Senator's amendment would read now that in accordance with international law, the United States should have no obligation to comply with treaties that are being violated by the Soviet Union.

It seems to me that that is taking care of the problem I had with the amendment. It seems to me that that is a clear statement of precisely the obligations the President of the United States would have right now if he concluded, in a determinative way, that a treaty was being violated. He would behave in accordance with international law; and international law clearly provides, as the Senator from Virginia has said, what the obligations are of countries that are parties to treaties in the case of a breach. If there is a minor breach, there is one set of responses appropriate. If there is a major breach, another set of responses is appropriate.

It seems to me that, all the way around, this amendment has been cured of any problem I had with it, and I urge the authors of the underlying amendment to accept it. I see no need for a rollcall vote, but it is up to the parties.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I have had an opportunity to review this language in some detail, and I must say that I believe it merely restates what is already the basic understanding under international law—that is, as described by my colleague from Virginia. I do not believe that this in any way detracts from the positive nature of the sense of the Senate amendment before us. So I support the amendment, and I urge my colleagues to do so.

The PRESIDING OFFICER. Is there further debate?

Mr. TOWER. Regular order, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the second degree. On this

question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—99

Abdnor	Garn	Mitchell
Andrews	Glenn	Moynihan
Armstrong	Goldwater	Murkowski
Baker	Gorton	Nickles
Baucus	Grassley	Nunn
Bentsen	Hatch	Packwood
Biden	Hatfield	Pell
Bingaman	Hawkins	Percy
Boren	Hecht	Pressler
Boschwitz	Heflin	Proxmire
Bradley	Heinz	Pryor
Bumpers	Helms	Quayle
Burdick	Hollings	Randolph
Byrd	Huddleston	Riegle
Chafee	Humphrey	Roth
Chiles	Inouye	Rudman
Cochran	Jepsen	Sarbanes
Cohen	Johnston	Sasser
Cranston	Kassebaum	Simpson
D'Amato	Kasten	Specter
Danforth	Kennedy	Stafford
DeConcini	Lautenberg	Stennis
Denton	Laxalt	Stevens
Dixon	Leahy	Symms
Dodd	Levin	Thurmond
Dole	Long	Tower
Domenici	Lugar	Trible
Durenberger	Mathias	Tsongas
Eagleton	Matsunaga	Wallop
East	Mattlingly	Warner
Evans	McClure	Weicker
Exon	Melcher	Wilson
Ford	Metzenbaum	Zorinsky

NOT VOTING—1

Hart

So the amendment in the second degree (No. 3264), as further modified, was agreed to.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended, of the Senator from Massachusetts [Mr. KENNEDY]. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 77, nays 22, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—77

Abdnor	Bingaman	Burdick
Andrews	Boren	Byrd
Baucus	Boschwitz	Chafee
Bentsen	Bradley	Chiles
Biden	Bumpers	Cochran

Cohen
Cranston
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
Evans
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hatch
Hatfield
Hawkins

Heinz
Hollings
Huddleston
Humphrey
Inouye
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Leahy
Levin
Mathias
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Muskowski
Nunn

Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Trible
Tsongas
Warner
Weicker

NAYS—22

Armstrong
Baker
Denton
East
Goldwater
Hecht
Heflin
Helms

Laxalt
Long
Lugar
Mattingly
McClure
Nickles
Quayle
Stevens

Symms
Thurmond
Tower
Wallop
Wilson
Zorinsky

NOT VOTING—1

Hart

So Mr. KENNEDY's amendment (No. 3262), as amended, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATHIAS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3265

(Purpose: To strike out the provision relating to the continued operation by the Secretary of Defense of the Defense Dependents' Education System, and for other purposes)

Mr. STAFFORD. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. STAFFORD], for himself, Mr. ROTH, Mr. PELL, Mr. EAGLETON, and Mr. RANDOLPH, proposes an amendment numbered 3265.

On page 112, beginning with line 13, strike out through line 15 on page 115.

Mr. STAFFORD. Mr. President, this amendment, which is very brief, eliminates about 1½ pages of the pending bill which affects the Department of Defense schools within the Department of Defense and their relationship to the Department of Education.

What it does is eliminate those sections and, in very brief, return us to existing law. This has been worked out in consultation with the managers of the bill and with the very able Senator from Indiana, Senator QUAYLE, of whom this is a principal interest.

At this point, I yield to the Senator from Indiana.

Mr. QUAYLE. Mr. President, what we are basically doing is going back to the language that we adopted last year. This language states that the DODDS transfer cannot occur before

May 1986. There are different circumstances surrounding the DOD schools transfer language this year as it emerged from the Armed Services Committee. The first is that the Department of Defense and the administration for the first time recommended that the transfer not take place. This recommendation to keep the schools in the Department of Defense is one which the committee, time and time again, has agreed with. This is, however, the first time that the administration has requested repeal of the transfer in the defense bill it sent to the Congress.

Second, Mr. President, there was, in conformance with last year's legislation, a poll conducted to see where the teachers themselves stood on the issue. Over 75 percent of the teachers polled said they did not want to see the transfer to the Department of Education take place. This coincides with the opinions of parents and students alike—all are opposed to the transfer. Ask any teacher, counselor, parent, or student in the DODDS system and they will all tell you they are opposed to the transfer. Nothing has changed in this regard since the schools have been run by DOD.

Again last year, DOD students scored approximately 10 points higher on their aptitude tests. This is the eighth consecutive year that average scores for DODDS students on the scholastic aptitude test are above the national average.

It is interesting that a lot of people who advocate the schools transfer to the Department of Education—for purely political reasons—are also strong advocates of quality education. If we really look at the issue of quality education and what is best for those kids, we would choose to leave the DOD schools within the Department of Defense on a permanent basis. But I do not think that, in this election year, the Senate is going to do that. Knowing the House and the Senate, we are going to have to revisit this issue again at a less politically volatile time. It is a most distasteful thing for me to ever have to disagree with the chairman of the Education Committee, one of the most respected people in this Chamber, but I want to reiterate that the idea of transferring these schools out of DOD into the Department of Education, for what I think are politically motivated reasons, is equally distasteful to the Senator from Indiana. Very soon, at some point down the road, we are going to have to look this issue right in the face and resolve it. I do not know whether this will be in 1985, or 1986, but at some point, we are going to have to look certain educational interest groups right in the face and say, look, "We respect you, we are all for quality education, but you are just flat out wrong on this issue."

It is very interesting, Mr. President, that when we contacted people in the Office of Education on this issue, they all said, "Yes, we are very interested in the transfer and we understand the merits of the approach, but we have to deal with the NEA."

We all work daily with interest groups Mr. President, but I want to stress to the Senate that sometime we are going to have to look right down the pipe and do what is right for those military dependent children. That obviously it is not going to be now, given the climate of an election year, but I want to reiterate my strong and intense interest in this issue. We will be back before the Senate on this issue—and very soon.

Believe me, Mr. President, people who vote with the Senator from Indiana are not going to get any political brownie points. Those who vote the merits on this issue will not mollify any large interest groups. These groups keep a close watch over our shoulder Mr. President. The last major mailgram on this issue stated pointedly, "The NEA intends to use the floor votes associated with this issue in its voting record." A vote on the merits of this issue then, will put some Members of this body on some sort of blacklist.

It is going to be a throwaway vote because nobody is going to write you from home and thank you. There is no constituency in Indiana for this transfer, no constituency in any State for what the Senator from Indiana and many teachers, parents, and students overseas want to do.

Sometime soon we are going to revisit this issue. Now is not the time to do it. The Senator from Vermont is right. We ought to go back, take a look at what we did last year, and decide this issue once and for all on the merits. I certainly hope, as this debate continues, that the issue of quality of education remains paramount. We should recognize that the DODDS students are getting a better education. I have received many letters. One came from a father who said, "Thank God for the DOD schools, because my son is doing so much better now than he did in that stateside school. I would stress to my colleagues again that the teachers that are overseas do not want the transfer, the students that are overseas do not want the transfer, and the parents that are overseas do not want the transfer. Mr. President, there are some select interests that do. We must not allow them to prevail."

So Mr. President, I reluctantly go along and join my esteemed colleague from Vermont in a compromise that will not put the Senate to a vote on this issue. These votes have always been close, except in 1982 when the Senate voted foursquare, 59 to 38, to prohibit the transfer of the schools to

the Education Department, only to see our wishes eroded in conference committee.

I do plead however, to this body and individual Senators, that we really are going to have to take a serious substantive look at this issue. We really need to think of the children and think of what is really right rather than think in terms of political accommodation.

I thank the Senator from Vermont for helping me work this compromise out. I think his instincts are correct to forgo any kind of vote or long protracted debate in this sensitive political year. I have lived with this issue and followed it closely for a long time, beginning in the House of Representatives and continuing for my 3½ years here in the Senate. I will be living with it for a couple of more years, I suspect. I thank the Senator from Vermont for his spirit of accommodation. At least we do not have to cross swords this year because as I say, it is distasteful any time I have to do that even though we always do it in a pleasant manner.

Mr. STAFFORD. Mr. President, I thank the Senator from Indiana for his gracious comments here. I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3265) was agreed to.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. QUAYLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3266

(Purpose: To prescribe an end strength level on United States forces assigned to permanent duty in European NATO countries, to request certain improvements in allied defense capabilities, and to provide for the reduction of United States forces in other NATO countries under certain circumstances)

Mr. NUNN. Mr. President, I have an amendment I send to the desk on behalf of myself, Mr. ROTH, Mr. ZORINSKY, Mr. GLENN, Mr. PRESSLER, Mr. BENTSEN, Mr. JOHNSTON, Mr. CHILES, Mr. LEVIN, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. METZENBAUM, Mr. CRANSTON, Mr. DECONCINI, Mr. BAUCUS, Mr. HUDDLESTON, Mr. MELCHER, and Mr. SASSER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself and Mr. ROTH, Mr. ZORINSKY, Mr. GLENN, Mr. PRESSLER, Mr. BENTSEN, Mr. JOHNSTON, Mr. CHILES, Mr. LEVIN, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. METZENBAUM, Mr. CRANSTON, Mr. DECONCINI, Mr. BAUCUS, Mr. HUDDLESTON, Mr. MELCHER, and Mr.

SASSER, proposes an amendment numbered 3266.

Mr. NUNN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 128, between lines 12 and 13, insert the following new section:

IMPROVEMENTS TO NATO CONVENTIONAL CAPABILITY

SEC. . (a) The Congress finds that the North Atlantic Treaty Organization (NATO) should improve its conventional defense capability so as to lengthen the time period that Western Europe can be defended adequately by conventional forces without the necessity of resorting to the early use of nuclear weapons in the event of a non-nuclear attack on any NATO member country. The Congress further finds that increasing defense spending, improving conventional sustainability, and providing support facilities in Western Europe for rapid reinforcements from the United States are crucial to accomplishing that objective.

(b) After September 30, 1985, none of the funds appropriated pursuant to an authorization contained in this or any subsequent Act may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO at any level exceeding a permanent ceiling of 326,414.

(c) Beginning on December 31, 1987, and ending December 31, 1989, the permanent ceiling prescribed in subsection (b) shall be reduced effective December 31 each year by 30,000 unless, during the previous calendar year, member nations of NATO, other than the United States, have increased their defense spending by an aggregate average of at least 3 percent, after inflation, as measured in the annual report of the Secretary of Defense on the allied contribution to the common defense required by section 1001.

(d) The Secretary of Defense may waive the reduction required by subsection (c) for any calendar year if he certifies to Congress in writing that, during the previous calendar year, member nations of NATO (other than the United States) have accomplished the following objectives:

(1) Those member nations of NATO (other than the United States) who have committed forces to the Center Region have placed on firm order, or accepted delivery of, an increase in the supply of air and ground munitions so as to reduce, on an average, 20 percent of the gap between the goal, as established in NATO Ministerial Guidance, of 30 days supply and the level of such munitions available in the Center Region of NATO as of January 1, 1985.

(2) Member nations of NATO (other than the United States) have increased the number of minimum essential and emergency operating facilities and semihardened aircraft shelters in Western Europe so as to reduce, on an average, 20 percent of the gap between the number of such facilities and shelters available on January 1, 1985, and the number required by NATO Ministerial Guidance to support, under NATO/SHAPE standards, the annual commitment of United States reinforcing tactical aircraft in the previous year's Defense Planning Questionnaire (DPQ) Response. Such reduction in the gap must be accomplished by real increased spending and may not be met by

reallocation within existing spending levels of infrastructure funds.

(3) The Supreme Allied Commander in Europe has certified to the Secretary of Defense in writing that in the previous calendar year the member nations of NATO (other than the United States) have undertaken significant measures to improve their conventional defense capacity which contributes to lengthening the time period between an armed attack on any NATO country and the time the Supreme Allied Commander would have to request the release and use of nuclear weapons.

(e) If the Secretary of Defense is unable to certify to the Congress that member nations of NATO (other than the United States) have met all three objectives of subsection (d) in any calendar year, but is able to certify that some of those objectives have been met, the permanent ceiling prescribed in subsection (c) shall be reduced as follows:

(1) If the Secretary certifies to the Congress that one of the three objectives has been met, the permanent ceiling shall be reduced by 20,000.

(2) If the Secretary certifies that two of the three objectives have been met, the permanent ceiling shall be reduced by 10,000.

(f) Whenever a reduction in the permanent ceiling is required to be made under this section in any year, such reduction shall be in addition to any reduction in the ceiling required to be made under this section in any previous year.

(g)(1) Not later than March 1 in each of the calendar years 1985 through 1988, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the status, as of January 1 of the year in which the report is submitted, of the following matters:

(A) The number of days of supply of the ground and aerial munitions in hand or on order of the member nations of NATO (other than the United States) which have committed forces to the Center Region.

(B) The number of facilities and semihardened aircraft shelters completed or under construction as they relate to the United States commitment of reinforcing aircraft in the United States Defense Planning Questionnaire (DPQ) Response of the previous year.

(C) The measures taken to accomplish the objectives of subsection (d) (3).

(2) The March 1985 report shall establish the baseline for measuring the annual performance of member nations of NATO (other than the United States) in meeting the objectives established in subsection (d) (1) and (2); the March 1986 report shall describe and employ, on a trial basis, the methodology to be used.

(3) The report required by this subsection shall also include an assessment of whether any reduction in—

(A) the gap in air and ground munitions (referred to in subsection (d)(1)) was accomplished by reallocation of funds within existing or planned spending levels; and

(B) the gap in minimum essential and emergency operating facilities and semihardened aircraft shelters (referred to in subsection (d)(2)) was accomplished by real increased spending or by reallocation within existing spending levels of infrastructure funds.

(4)(A) Beginning with the fiscal year 1986 budget submission to the Congress, but not later than March 1, 1985, and annually thereafter, the Secretary of Defense shall report to the Congress on the status and

cost of the United States commitment to NATO as reflected in the DPQ Response and in the defense budget request. The report shall be an annual update of the Department of Defense Report on "United States Expenditures in Support of NATO", first submitted to the Congress in June 1984 pursuant to section 1107 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 677), and shall include not only the information required by that section but also information which specifically identifies those items in the Secretary of Defense's procurement budget request that are in support of United States forces committed to or earmarked for NATO.

(B) In addition to the requirements under subparagraph (A), the Secretary of Defense shall include in such report an assessment of the performance of the members of NATO (other than the United States) in the following areas:

(i) Allied contributions to the common defense (this requirement is satisfied by submission of the report required by section 1001).

(ii) Improvement in sustainability and support for United States reinforcing tactical aircraft (this requirement is satisfied by submission of the report required by paragraph (1)).

(iii) Meeting NATO force goals.

(iv) Increasing NATO infrastructure funding.

(v) Improvements in air base defenses.

(vi) Increasing trained manpower levels, particularly reserves.

(vii) Increasing war reserve material.

(viii) Improving initial defense capability.

(ix) Improving NATO's ability to neutralize enemy follow-on forces, particularly use of emerging technologies.

(x) Improvements in mine/counter mine capability.

(xi) Improvements in offensive counter air capability.

(h)(1) The Congress finds that a viable "two-way street" of defense procurement improves NATO interoperability and therefore is important to overall improvements in conventional defense.

(2) In addition to any funds appropriated pursuant to the authorization contained in section 116(a) for the activities of the Director of Test and Evaluation, Defense, the Director may utilize an additional amount, not to exceed \$50,000,000, to acquire certain types of weapons, subsystems, and munitions of European NATO manufacture (including submunitions and dispensers; anti-tank and anti-armor guided missiles; mines; runway-cratering devices; torpedoes; mortar systems; light armored vehicles; and high-velocity anti-tank guns) for side-by-side testing with comparable United States manufactured items. Such additional amount shall be derived from any funds appropriated pursuant to an authorization contained in this Act.

(i)(1) This section shall not apply in the event of a declaration of war or an armed attack on any NATO member country.

(2) This section may be waived by the President if he declares an emergency and immediately informs the Congress of his action and the reasons therefor.

Mr. NUNN. Mr. President, this is an amendment that has been discussed here in the course of this debate. I made a rather lengthy presentation on the amendment the other day and we have seen a great deal of discussion about it. I started off my presentation

on Monday describing the opposition that was likely to develop to this amendment. If anything, I underestimated it. I will not name everyone who has now come forward, but I might say at the outset that, as far as the leadership of NATO is concerned, this may be one of the few times that they have been united in recent years. They have all united against this amendment. So I do not want to pretend to anyone that this is a little old noncontroversial amendment that does not do anything to anybody.

It is far from that, Mr. President. It is an amendment that will have, I hope, a very strong message attached. That message, though the amendment itself is not that simple and has some rather complicated parts to it, is very simple. The message is that we want to be a part of NATO; that we are going to continue to be a part of NATO whether this amendment passes or does not pass; that we will even continue to be a part of NATO if our European allies do not comply with any of the provisions of this amendment; that we shall continue to have hundreds of thousands of troops in NATO even if this amendment passes and even if the allies do not comply with any of the provisions or tests. We will still have a nuclear deterrent that will not only protect this Nation but explicitly help protect our European allies. We will continue to have theater nuclear capability and commitment to our European allies. We will continue to have naval commitment.

This is not an amendment designed to terminate America's position in NATO. We will continue to have a strong political, economic, and social attachment to NATO. So this is not a petition for divorce.

This is a petition for the alliance to carry out its vows that have been made over and over and over again but have since not been carried out.

First let me explain the amendment. I will not go into a lengthy explanation. But the amendment is designed to give NATO as an alliance every incentive to improve its conventional defense. The reason we need to improve conventional defense is that the continued reliance on the early use of nuclear weapons is diametrically opposed to the national security interests of this country and the security interests of our Western European allies. If any point has been debated in Western Europe over and over and over again in the last 2 years, it is that very question about relying on nuclear weapons.

The thing which has been most disappointing to me—and I know that our allied political and military leaders have had their hands full with all of the problems. I recognize the severe strain the Europeans have been under during this period of trying to deploy the Pershing II and ground-launch

cruise missile—is that at a period of time where public opinion was most focused in Europe on the alliance, on the nuclear problems, on the need to modernize our nuclear weapons, there was not a more explicit relationship developed by the leadership in Europe between our continued heavy reliance on the early use of nuclear weapons in response to any kind of attack, conventional or otherwise, and conventional improvements which desperately need to be made.

There is a direct relationship between NATO's continued reliance on early use of nuclear weapons and the lack of conventional capability which is reflected because of the lack of effort.

This amendment sets a permanent ceiling of 326,414 U.S. forces ashore in Europe. That is the exact level requested by the Department of Defense for fiscal year 1985. Beginning in 1987 and continuing for 1988, 1989, this troop ceiling is reduced 30,000 per year unless during the previous year the allies have increased their defense spending by the NATO goal of 3 percent. That is a big, big "unless," because this is something that our allies have committed to do over and over again. This is not something we are imposing on our allies from the floor of the Senate. There is not a single provision of this amendment that imposes on our European allies a single thing that they have not pledged to do themselves over and over and over again. We are not imposing anything new. We are saying carry out your commitment.

There is another path that the allies can take to avoid any kind of troop reductions. I might say at the very beginning the troop reductions are not in this amendment from the point of view of punishing, from the point of view of blackmail, from the point of view of threatening. They are here because the simple reality is, if we do not have allies that are going to do their part, there is no need for the American taxpayer to continue to spend billions and billions and billions of dollars on troops, on ammunition, on airlift, on all types of equipment for modernization. We can have a tripwire—that is, having our forces basically link the American nuclear deterrent to the defense of Europe—for a lot less money.

We do not have to spend \$90 billion a year for the purpose of keeping our forces in NATO and for the purpose of having rapid reinforcements within the first 10 days. That is how much it cost us for forces in NATO and the rapid reinforcements. We do not have to spend \$170 billion a year for those forces to be there in the first 10 days and those that will follow. That is what we are spending, \$170 billion a year on NATO alone.

We do not have to do that. We can save a lot of money.

Now, that is not the course I would like because I believe in a strong conventional defense of NATO. I do not believe in the early use of nuclear weapons. I do not believe in placing the President of the United States and our Western leaders in a position of having to decide between two very unpleasant alternatives in the event of a conventional attack by the Soviet Union and the Warsaw Pact.

One alternative, of course, is to capitulate, to surrender. The other alternative, as General Rogers has said over and over again, is the alternative he would have to choose now in the event of any kind of war of that nature. He would have to choose to turn to the early use of nuclear weapons.

Now, this posture is not necessarily new for NATO. We have had conventional disadvantages since World War II, but what is new in the last decade and a half is that we no longer have strategic nuclear superiority. We are in a period of parity. Some people believe it is clinging parity. The President of the United States says it is inferiority. I disagree with him on that, but he says that.

We no longer have that overwhelming advantage to say to our adversaries, "You come across the border with a few tanks or all your tanks or any kind of conventional attack, and we are going to start raining down on your territory nuclear weapons."

That was our posture in the 1950's and for a great deal of the 1960's.

Something else has changed also. We no longer have theater nuclear advantage. For a long time we had the stronger theater nuclear force. That is no longer true. The Soviets have SS-20's all over the territory of the Western Soviet Union and putting them in Eastern Europe. So the threat of nuclear retaliation in response to a conventional attack is becoming less and less credible.

Why do you escalate into an area in which you have disadvantage? What is the advantage of escalation? Those are serious questions. Those questions have not been connected in the debate in Europe that I have followed during the considerable discourse on deployment of Pershing II missiles and ground-launched cruise missiles.

Let me describe just briefly the second path. The first path the allies are being asked to take is the 3-percent path, the goal they have already set over and over and over again.

The second path, if they do not meet the 3-percent path—and I call that an input test; that is how much they put in. That does not measure output. There is another path that would measure output. Again, these output goals are what the allies have set themselves. These are not goals that I

thought of or that the Senate is imposing or being asked to impose on the alliance. The first goal would be to reach the 30-day munition level, for the allies to be able to sustain their military, their conventional military capability for 30 days—not 120 days, not World War II, not World War I, but 30 days. That is what they pledged to do over and over again, 30 days.

They have not done that. We are in what I consider to be an almost absurd situation—and we cannot discuss the exact number of days of supply, and I will refrain from doing that, but we can say that the United States has met our 30-day commitment. We have more than that. We have twice the sustainability in general terms with munitions that our allies have. We have \$6.5 billion in this bill for new munitions for NATO. The \$6.5 billion in this bill exceeds the test on output that we are asking the allies to meet over the next 5 years. Their total output would not have to be more than \$6 billion to meet these tests. We have more in this bill than that on munitions.

In the next 5 years, the U.S. defense budget on the 5-year plan has projected \$52 billion worth of ammunition for NATO alone. That does not count Korea. It does not count the Middle East. It does not count the Rapid Deployment Force.

Now, are we going to ask the American taxpayers to pay \$52 billion to increase a munitions supply in NATO when we already have twice the amount that our allies have in their 5-year plan, which does not show that they plan to increase at all in munitions? Ask any military leader what happens in NATO, any of them—retired, active—when the allies give out of ammunition? Are American forces that comprise between 10 and 20, 25 percent at most of all the forces in a wartime scenario going to be over there fighting by themselves? Are they going to fight when everybody on the flank is out of ammunition?

I think the answer to that is clear. When the allies give out of ammunition in a conventional war, the conventional war is over, and at that stage we are back to the choice of going to nuclear weapons. As our Supreme Allied Commander there says, we have to throw out the white flag of surrender.

Mr. President, the goals here are very clear; they are goals to which the allies have agreed.

The first one is the 30-day munition goal.

The second goal, I think, is equally important. It says that the allies will carry out the commitment they have made to provide the essential facilities for our rapid reinforcement aircraft. Those are not aircraft in Europe now. Those are aircraft that are over here. Our aircraft in Europe occupy almost all the space we have available in

American bases. So we said to our allies several years ago: "We will greatly increase our rapid reinforcement force with aircraft. We will spend a lot of money. We will keep the aircraft here. If war breaks out, we will fly them over. But you have to do something for us. You have to provide minimum essential facilities for those aircraft so that when they land, they can refuel; so that after they have flown one sortie, they can resupply with ammunition; so that they can be maintained and sheltered."

Guess what has happened? We have spent \$50 billion in procuring the finest aircraft in the world. We have excellent pilots. We have some of the finest young people in those airplanes that any fighting force has ever had. They are ready to go. If we have a war in Europe, they are ready to fly over there.

What happens if the tanks come tomorrow morning and those aircraft take off to go to Europe? When they get there, they find a war going on. They find that approximately only 300 of those aircraft would have a way to be resupplied with ammunition. Only 300 of those aircraft, out of 1,500, would have any way of being repaired.

And guess what? None of them would have any shelters. They would be landing in Europe, in the middle of world war III, the largest conventional capabilities any two fighting forces have ever had in the history of the world. They would be at airbases there with not only no fuel resupply, no way to maintain themselves, but also, they would have zero shelters.

Can you imagine that? Can you imagine the young American pilots who have been trained as well as any pilots in the world—and better than most, I think—getting to Europe and finding that their military and political leaders in the alliance had not provided any way to fight the war they have been trained to fight—not having any ability to refuel, not having any ability to be repaired? Our sophisticated aircraft require a great deal of maintenance. That is one of the down problems. They would not have any shelter. They would be sitting there like sitting ducks, the finest young men we have, because our European allies had not done what they said they would do over and over again. What kind of deal is that?

We are not talking about something here that does not ruffle feathers. This amendment ruffles some feathers. This is a cage-rattling amendment, make no mistake about it. Those who are going to vote against it should go to an airbase and tell those young men who are being trained that the mission they are going on in Europe is mission impossible; that there are no fuel facilities for them—or 20 percent will

have it and 80 percent will not—that none of them would have any shelters; that they will be sitting in the middle of an airfield and will be bombarded from every side by an awesome Soviet air capability, and they are not going to have any shelters. Go tell them that.

Tell them that we did not want to ruffle any feathers, if this amendment fails. Tell them that we did not want to make the Europeans nervous; it is a bad time. It is never a good time. They have had a lot of problems, economic problems and deficits. We have \$200 billion deficits for the next foreseeable number of years. They have problems—no doubt about that.

Let us tell our young men and young women who are going to be over there in the first 10 days what awaits them. I do not think they know it. I know that the American taxpayers do not know it—most of them. They have not read about it or heard it.

So, to make a long story short, the second part of the output measure is to say to our European allies: "We expect you to carry out your commitment. We expect you to provide the minimum essential shelters for our aircraft, \$50 billion worth. We expect you to provide the shelters necessary, as you said you would do. That is what we expect, nothing more. No requirements. No invasion of sovereignty. No decisions being made on the floor of the U.S. Senate telling our Allies what to do. Just carry out your commitments. That is all we want. If you do not carry out your commitments, we are going to start saving some money."

If they decide on using nuclear weapons at the early stage of a war and do not give our leaders a chance to pause, without escalating up the nuclear ladder, then I think it is very regrettable and very dangerous. I am very much opposed to it, but I am opposed even more to spending billions of dollars and at the same time not improving very much our NATO defense.

Guess what it costs. I ask my colleagues who are listening—and I hope some of them are listening in their offices—if they know what it would cost for the allies to do what they said they would do with these bases for the \$50 billion. My colleagues may be thinking in terms of \$10 billion, \$20 billion, \$30 billion. No. \$1 billion is what it would cost, and that would be a collective expenditure. That would be the cost for non-U.S. portion.

Guess what? Uncle Sugar would pick up 26 percent of the total. I have not included that in the \$1 billion. That would be above that. Uncle Sam pays 20 percent of the infrastructure before. We would be paying some \$300 million to \$400 million of the total. We would be paying our part. That is what we are asking.

So the output test would cost, if fully complied with, about \$1 billion

extra, collectively, for the whole alliance, each year for 5 years. The second output test would cost about \$1 billion. Those two output tests and two-thirds of what I call path 2.

The third part of the path would be a simple certification. It would not be simple in terms of the way it would be arrived at. It would be simple in terms of being able to understand it.

The Supreme Allied Commander in Europe is being asked in this amendment to certify to the Secretary of Defense for the United States that the alliance has taken conventional steps that have the effect in the measuring year of raising the nuclear threshold, of making it a little more remote in terms of the number of days we have to wait before we have the ability to fight, before we turn to nuclear weapons.

Those are the three tests. The third test would be a subjective test. Senator ROTH and I do not try to specify in this amendment the exact ways as to how you would go about it. We have put confidence in the man there to make that determination. I know that I have confidence in General Rogers. He has said over and over that we will have to turn to nuclear weapons in the early stages. We want to give him authority to take a good look during the measuring period to determine if we have to raise the nuclear threshold.

Guess what? If the European allies meet the 3-percent test, there is no withdrawal. But if they fail to meet the 3-percent test, they can go down path two and, if they meet one of those goals, there is only a 20,000 withdrawal. If they meet two of those goals, there is only a 10,000 withdrawal. If they meet three of those output goals in path two, there is zero withdrawal.

Again I want to repeat: According to the best calculations we have, the total amount of expenditure for the Europeans to meet path two over the 5-year period would be approximately \$6 billion. We do not measure all of these years. We measure only 3 of those years. So you can take 60 percent of that and the 60-percent figure would be the applicable figure for the 3 years of measuring.

The reason we do not measure all 5 years, we set up 20 percent each year to get to that goal, that would give us 100 percent, if this amendment were carried through 5 years. We cut off at 3 years because we felt that Congress should review it and our allies should review it. Projecting beyond 5 years is very difficult. I think it is important for our allies to recognize that we are giving them plenty of time on this amendment. This amendment does not take effect in 1985. We are measuring it in calendar years. In 1985 calendar year nothing happens, except debate, deliberation, hopefully better economic periods, hopefully more NATO con-

sensus, hopefully more commitment. The first measuring year is 1986.

We have a measuring year in 1986, calendar year, not fiscal year. We have a measuring year in 1987. We have a measuring year in 1988. And following each one of those measuring years we have a year that the amendment would be implemented if the tests are failed. So the years where the amendment would be implemented would be 1987 calendar year, 1988 calendar year, and 1989 calendar year.

If the allies do not comply with their previous commitments as set forth in this amendment, the first troops would be withdrawn by reason of this amendment in December 1987. This is when this bill started. It was 1984. I think it still is. This is June 1984 to December 1987. That would be 3½ years, 3½ years before there are any sanctions, 3½ years. It seems to me that is pretty reasonable.

We are basically saying in spite of our frustrations, in spite of the fact if we were honest with our American airmen, we are going to have to tell them they are going to be in the middle of world war III without any place to go when they get to Europe. In spite of the fact that 10 divisions of Army forces are going to be put over there, I think we have to be honest with them, too. As things now stand, according to our own military commander, when those young people land they are going to be landing right in the middle of a nuclear escalation. They would get there about the time or within a reasonable number of days of the time the ammunition will run out in terms of our allies. So they will be welcomed to Europe with the information, if they cannot feel it themselves, that we are in the middle of a theater nuclear war or something worse and none of us know how fast that would escalate up the ladder.

So I pose to my colleagues the question, are we willing to continue this posture from now on? It is not like we are impatient. I have been probably at least one of the strongest supporters of NATO since I have been in the Senate and I still am. I think it is the very heart of our Western defense. I think the alliance is attached in many ways socially, politically, economically. We feel very close to our European allies. We have corresponding commitments to democratic values. We have corresponding commitments to human rights. Most of our interests in the world coincide. We have tremendous economic stakes together in the world. I do not think we could say we have not been patient. This effort to strengthen NATO's conventional defense did not start in the Reagan administration or the Carter administration or the Ford administration. It started way back in the 1960's, way back in the Kennedy administration,

and it was intensified in the late 1960's under the Nixon administration when Secretary Schlesinger was Secretary of Defense. There was a very intensive effort made, and I worked very closely with Secretary Schlesinger, and I know the Senator from Texas did also, and the Senator from Virginia was a vital part of the administration back during those years.

Strenuous efforts were made then to begin to strengthen our NATO conventional defense. The Carter administration made strong efforts. That is where the 3-percent pledge came from. The Reagan administration has done more perhaps than anyone else in terms of the U.S. part of the NATO conventional defense. We have done an awful lot. We are spending an enormous amount of money. But it is time for someone to look the American people in the eye and tell them no matter how much we spend, we are in an alliance and if we do not want to be in the alliance we can go our own way. I think we should be part of this alliance. As long as we are in that alliance as long as 10 or 20 percent of the total forces are U.S. forces, in the event of a war over there, unless our allies do their part all this money we are spending is not going to change the balance in Europe.

It has not changed it in the last 3 years. In fact, General Rogers says the gap has gotten worse. That does not mean we have not improved American forces. We have. I do not want to misinterpret it there. Our forces are better off than they were 3 or 4 years ago in Europe and I think in most other places in the world. But it does mean we are fighting as an alliance and when our allies have problems, they will determine, as the weakest link in the chain always does, how long we can fight.

Mr. President, let me just mention a couple other things, and then I will turn to the Senator from Delaware. I know he has thought on this. No one has worked harder than the Senator from Delaware, as I know of, in the last 5 or 6 years, to try to get some degree of cooperation between the United States and Europe. Time after time the Senator has spent numerous hours meeting with Europeans. He has gone to many conferences. He has offered amendments, several amendments, that I have coauthored with him on the whole NATO two-way street, the efforts to coordinate our procurement, the effort to convert what is each year a larger NATO expenditure than the Warsaw Pact into a real fighting capability. So he has done a great deal and my hat is off to him and I know it has taken a great deal of courage and fortitude for the Senator to stick to this position over a long period of time.

So I am proud to have the Senator from Delaware as a sponsor of this

amendment, and I hope that the word is very clear that this is a bipartisan effort. This is not an effort that stems from party politics. It is an effort that stems from facing reality.

So I will at this point defer to my colleague from Delaware.

Mr. TOWER. Mr. President, I wish to respond if I may.

Mr. NUNN. I will in deference to the chairman at this point yield the floor.

Mr. TOWER. Mr. President, this amendment came to my attention less than a week ago, and it came to my attention in the form of an explanation rather than a printed text when the Senator from Georgia was kind enough to tell me what he had in mind. That was last Thursday. This is Wednesday. And this is a very complicated amendment with rather far-reaching foreign policy implications and one on which no hearings have been held at all by either the Armed Services Committee or the Foreign Relations Committee.

The Senator from Georgia was quite right. It has precipitated a very strong reaction and the fact it has should give us pause and suggest to us that perhaps we should have some hearings and some inquiries on the impact of this amendment.

I would hope that the Senator from Georgia would see fit at some point to perhaps withdraw this amendment, offer it as freestanding legislation, and let us have hearings on it both in the Foreign Relations Committee and the Armed Services Committee to examine what the long-term implications of it might be, because we have not really had time to deliberate on it and as sophisticated as many Members of this body are on such matters, I would have to conclude that probably most of them are not familiar with all the details of a rather complex amendment, nor have they had an opportunity to avail themselves of some information on how this would actually affect the achievement of the objectives that the Senator from Georgia himself seeks.

Let us understand first why we are in Europe in the first place. We are not there for altruistic reasons. We are not there just to defend the blue-eyed Europeans. We are there because we have concluded that it is in our national interest to be there. It is axiomatic that, when confronted by a very, very powerful adversary with a global military capability, you establish your defense perimeter as close to his shores as possible and as far from your own shores as possible. That is a lesson that we have certainly already learned in previous military conflicts.

The United States had been spared from the devastation of war ever since the unpleasantness between the States, except for, of course, the devastating attack on American territory at the outset of World War II in

Hawaii, because we have had two oceans, and those oceans have been a barrier, and we have had a naval capability of holding our adversaries at bay.

Now, we have drawn the line in Western Europe. We had to draw the line there, because of the aggressive behavior of the Soviet Union and because, as we were disarming after World War II, they were rebuilding their military capability. They violated the Teheran and Yalta accords, imposed their will on Eastern Europe. And NATO was formed in response to that threat. We were in on its formation from the onset because we understood that it was in our national interests to be there. We are not there just to defend Europe. We are there to defend our own interests.

I think that the objectives of the Senator from Georgia are laudable. The Senator from Georgia has set forth very well what the objectives are in the way of increased defense spending, improved sustainability, better facilities for aircraft, all of these things; he is correct. Our European friends have undertaken a commitment to do these things, and I think we must continue to insist that they do them.

The question is whether or not the amendment proposed by the Senator from Georgia will accomplish those objectives or whether or not it might indeed thwart those objectives.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. TOWER. I yield for a question.

Mr. JOHNSTON. Is the amendment of the Senator from Georgia self-executing, or would it not, in fact, require congressional action to do anything in the year 1987, or 1988, or 1989?

Mr. TOWER. No, it is self-triggering. It does not require congressional action.

Let me complete my statement, and then I will be glad to yield to questions from anybody.

The fact is that this is the wrong way, the wrong time, to try to achieve through this means the kind of result we seek. Everybody that is on the cutting edge of the problem opposes the amendment.

So the burden of proof, I think, is on those who propose it to show us substantial evidence that this will get Europe moving in the direction we want them to move. I do not know where that proof is. I do not know how you can prove it.

When Dave Abshire, our American Ambassador, says, "This would be disastrous; this will be counterproductive"; when Tap Bennett, our long-respected Ambassador there, says, "This would be counterproductive; don't do it," Jimmy Carter's Ambassador to Brussels; when General Rogers says, "Don't do it, it will be counterproductive"; when the President of the

United States says, "We must not do this"; when the Secretary of State says, "Don't do it"; the Secretary of Defense says, "Don't do it," then the burden of proof is on those who all they have to do is legislate something here and walk away from it.

We do not have any responsibility beyond this, do we? Are we out on the cutting edge? No. Are we responsible for the day-to-day conduct of the diplomacy with our allies? No, we are not. This is easy for us. We can say, "We don't like the fact that the Europeans have not met their commitment. We don't like the fact that they have not met the level of burden-sharing we expect them to meet. Therefore, we are going to get tough with them; beat up on them a little bit. Then maybe they will respond." That is all we have to do.

Then if this legislation fails or it is counterproductive, then who do we blame? Well, it is unlike the Congress to ever accept any blame for something of that sort. We get involved in foreign policy issues, but we do not have to go in and clean up the aftermath of it.

We are told by everyone in a position to know that this amendment is counterproductive.

Let me tell you one thing we would do. We would kick our friends in the teeth. That is the first thing we would do. Take these European politicians that, in the face of enormous popular sentiment, enormous propaganda efforts by the Soviet Union, who have nonetheless staunchly supported American policy in the deployment of theater nuclear weapons. Are we helping them? Are we reinforcing them with this? No. We are embarrassing them politically.

They have just gone through a heck of a battle. They have gone through tough political battles. How many of us could have accomplished what they have accomplished? Put yourself in that position. If we had polls showing a majority of the people in this country were opposed to the deployment of a particular weapons system in this country, would all of us say: "It is right, therefore we will go against public opinion and we will do it?" Would the Congress react that way? We do not know how we would react, do we? But they did. They did.

And so what we have proposed to do now is embarrass the Margaret Thatchers, the Helmut Kohls of this world that have stood fast for what they thought was right and gone ahead with deployments.

The Italians—a fragile coalition government, made up of many leftwing elements; a fragile government, indeed—stands fast on deployment. Should we kick them in the teeth; let them have it? Of course, they are economically in very, very bad shape now, but, by gosh, we want them to do

more. So we are going to jam them with this. "We are going to take our troops out if you Italians don't get off of it, put up 3 percent more in real terms of your money, because we know you buy nine times as much military hardware from us as we buy from you, but we want you to up that defense budget anyway and buy some more from us."

In the context of these times, are we going to kick our friends in the teeth? That is what they regard it as. Nobody regards this as a signal; they regard it as bullying. Certainly, we want them to meet those objectives. But you know there are a number of things that have to be done. They have got economic problems that have to be resolved. They have got their own political and diplomatic problems that have to be resolved.

We have made great progress. We have just gone through a series of ministerial meetings, meetings of defense ministers, foreign ministers, a Presidential summit meeting, and the cohesion of the alliance is good; not perfect—never is—but good.

In this climate, are we going to say: "Now, you better do everything that you have undertaken to do and that we expect you to do or we are going to start withdrawing troops?"

That is going to be regarded as intimidation. How would you react to attempted intimidation from another country? Even if you tended to support the policies of those countries, that kind of heavyhanded tactic would more likely turn you against them. What are these friends of the United States and the Governments of these respective countries going to say to their people? The United States zapped us again. No. This is not going to enhance the popular climate in those countries for the achievement of these objectives that we seek because it is going to look like a heavyhanded effort by Uncle Sam. Boy, we have been on this floor for days saying we have got to be a little more conciliatory toward the Russians. Let us unilaterally restrain ourselves on certain weapons tests, or weapons production, or weapons deployment, and let us tell the President he has got to go to Moscow and negotiate with them. That is the attitude we take toward the Russians. They have not lived up to their commitments either, remember. There is strong evidence—if not conclusive, certainly strong circumstantial evidence—that they are not living up to their treaty obligations but we are to act with unilateral restraint. We are to tell our President, by George, Mr. President, you have to go to Moscow and negotiate. Then we turn around on the other hand, and are conciliatory to big Russia. What about our weaker friends? Zap, take that. Get off your duff and do what you are supposed to do. That is the

way we treat them. What kind of signal does that send? Boy, is that a clear signal. What is it going to do to the efforts of the Soviet Union to drive a wedge between the United States and our European allies? Does anybody doubt the Soviets are trying to drive a wedge between the United States and European allies? I can assure you they are. And our friends in those countries know that they are.

You know, some of our friends have even caught the Soviets infiltrating their press, groups that oppose Government policy, and oppose NATO policy. Yes, they are trying to influence us. They propagandize those people like it is going out of style. Is this going to have absolutely no deleterious effect on that relationship? Can anybody prove to me beyond a shadow of a doubt, or even make a good case, that the Soviets will not try to use this piece of legislation as a vehicle to further drive that wedge between the people of Western Europe and the people of the United States? Are the Soviets going to come in there and say: "See, the Americans are bullying to tell you what to do. Are you going to take that?"

How would you take it if some foreign power told you what you had to do, or we will pull our support away, take our troops out?

We do not think we are doing enough. We say they have to have a 2-percent increase in real terms. Are we going to stick to 3-percent real increase in real terms? Maybe we should have something in here that says if it exceeds that, and we fall below 3½ percent in real-term increase, that the provisions of this amendment will not go into effect. Are we willing to do that? Let us look at spending trends.

In the decade of the seventies, defense spending declined in real terms in the United States by 20 percent. What do they do in Europe? They increased. Look at the overall trend of the defense spending in Europe over the last 15 years. Ours has gone like this, up and down, fluctuating. Theirs has had a constant upward trend. Another thing they have that we do not is a draft. Sometimes they say to us: "Why don't you Americans have a draft?" We do not need one. We have an All-Volunteer Army. I agree we do not need one. But with their draft, there is one thing they produce in addition to their standing armies. They produce a substantial trained reserve component. There are a lot of things that they do that we do not do.

I think there has been a great deal of talk about the tripwire. It occurs to me if, for some reason, economic reasons, political reasons or other, they cannot meet these commitments, we start withdrawing troops, oh, does that raise the likelihood of the trip-

wire? Does that raise the nuclear threshold? No. It lowers it.

What if, in the process of this withdrawal, the Russians decided now is the time to go in there and hit them? Are we going to get the rest of our troops out of there? The troops that will remain will be in greater hazard as a result of our having pulled 90,000 troops out over a 3-year period of time.

I think we all want to shore up the defenses of Western Europe. We all want to do more. But I think, really, the most damaging argument against this amendment comes from a report—I do not know what has changed since this report was issued 2 years ago—of May 1982, "NATO: Can the Alliance be Saved?" And this is what a very outstanding Member of this body and a great expert on Western Europe said. He wrote:

Some have suggested we simply pull U.S. troops out of Europe in order to punish our NATO allies.

As satisfying as this might be as a vehicle for expressing American frustration—I might say this is a pretty satisfying vehicle here, satisfying American frustration—it is a recipe for the destruction of NATO and for a neutralized Western Europe. Though some believe these proposals are a means of compelling the Europeans to do more, if implemented, they are likely to do the opposite by strengthening the very political forces in Europe that now oppose NATO.

These words of SAM NUNN are as true now as they were when he said them 2 years ago. I commend him for them because they are fully applicable to the amendment that he proposes here today.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I am happy to cosponsor the amendment.

Mr. NUNN. Mr. President, would the Senator from Delaware yield for one brief, very mild but pertinent rebuttal of that excellent quotation which the Senator just read?

Mr. ROTH. Yes; I yield.

Mr. TOWER. Senator, if you can rebut that quotation you are very, very good indeed. I think it is almost un rebuttable.

Mr. NUNN. The context of it I think is important.

What is the date of that?

Mr. TOWER. May 1982.

Mr. NUNN. I said some things even stronger than that on the Mansfield debate, if the Senator will get his capable staff to go back.

Mr. TOWER. That goes too far back. This is fresher.

Mr. NUNN. The difference, if I might say to my friend from Texas, is this amendment is not designed to pull troops out of Europe. This amendment could result in that. This amendment has a 2-year delay on it. We are going to measure what our allies do. I do not choose to pull troops out of Europe but I do not choose to continue to ask the American taxpayer to foot the bill

if we are not going to have a conventional defense. So I am still opposed, would oppose, and join the Senator from Texas in opposing any amendment that would affect the 1985 level in terms of pulling troops out of Europe. This is an entirely different approach. This is an approach designed to keep our NATO allies together. This amendment is designed to keep our troops in Europe providing we have a viable conventional defense opportunity.

I might just say that going back a few years in history—I do not know whether the Senator from Texas recalls this—there was an amendment in 1974 called the Nunn-Jackson amendment. Interestingly enough, that amendment dealt with the balance of payments problem which was very critical at that time. That amendment provided that in the event the United States failed to obtain through negotiations with our NATO allies a total offset resulting from our stationing of troops in Europe within 12 months of the enactment of the amendment, we would reduce our forces in Europe by a percentage equal to the percentage formula.

Interestingly, enough, Senator Jackson said during that debate, "If the offset is only 75 percent, then we shall retain only 75 percent of the present force level in Europe; if the shortfall is 10 percent, then 10 percent of the forces will be withdrawn."

If the shortfall had been, under that amendment—and it passed and became law—10 percent, we would have withdrawn 27,000 troops. If the shortfall had been 20 percent, we would have withdrawn 54,000 troops. If the shortfall had been 30 percent, we would have withdrawn 81,000 troops. If the shortfall had been 40 percent, we would have withdrawn 108,000 troops, and so on.

Interestingly enough—and the Senator from Texas has always, in debate, recognized that there have been some points in history where we had to put pressure on to have burden sharing become a reality—the Senator from Texas joined with 82 other Senators, including the Senator from Georgia, in supporting that amendment which, in the present context of debate, I am sure the Senator would also label radical because that amendment would have resulted in many more withdrawals of forces in Europe than this.

It did not, because it achieved its purposes. We got \$2 billion in offsets from our allies. Otherwise, that would not have occurred.

I remember very well the context of that amendment. The reason our colleagues did not think it was so radical then is because the Mansfield amendment was being proposed at that time, which was a unilateral statement of withdrawal.

So the Senator from Texas has supported the right side of this issue on occasion, and I hope during the course of this debate he will harken back to his 1974 position.

Mr. ROTH. Mr. President, as I said a few minutes ago, I am pleased to cosponsor the amendment offered by the Senator from Georgia.

I might say that I think the situation has substantially changed since SAM NUNN made those comments 2 years ago.

Recently, I attended the biannual meeting of the North Atlantic Assembly in Luxembourg, and because of what I heard there, I felt obliged to inform some of our allies that problems are developing in the North Atlantic Treaty Organization. I would like to share some of my observations with my colleagues here today, since I believe they are highly relevant to the pending debate.

Frankly, I was deeply concerned by what I heard at the NATO assembly. I was concerned because, like the Senator from Georgia, I am one of those people who believe that the NATO Alliance continues to be of critical importance, as it has been in the past.

I believe that people on both sides of the Atlantic have insufficiently appreciated the fact that the alliance has kept the peace for some 35 years.

Nevertheless, the question is whether NATO can meet the challenge of the future.

The conference was indeed disquieting. Our so-called flexible defense is not flexible. General Rogers has said that since we do not possess genuine flexibility, our current military posture will require us, if attacked conventionally, to escalate fairly quickly to the first use of nuclear weapons.

The possibility of nuclear war is something abhorred by the people on both sides of the Atlantic. The people demand that we reduce the nuclear risk, and that can only be done by building a credible conventional defense.

The rebuilding of a conventional defense is costly. Yet I believe if NATO is to remain viable, it must be done.

I was deeply concerned at the NATO conference that in the military reports being issued there, it was said that our European allies cannot—and I underscore the word cannot—allocate significantly more resources to their conventional defense budgets, either for the present or for the next 3 to 5 years.

Both the draft report on conventional defenses and the draft general report on alliance security made this clear. The European leadership made it clear that there is no prospect for additional significant real growth in the European defense budget.

Mr. President, if this be true, I believe it would mean the alliance would

be in serious difficulty for the balance of the eighties. President Reagan is seeking significant real increases, over 7 percent, in defense spending for fiscal year 1985. Whether the President succeeds, or whether he is obliged to compromise the U.S. defense budget nevertheless, will be in marked contrast to defense disbursements on the other side of the Atlantic.

Mr. President, I believe it to be important for our European friends to understand how serious this matter is. There are strong voices, respected voices, in the United States calling for reform of the alliance, for the reallocation of the burdens and responsibilities.

Dr. Henry Kissinger has called for greater European responsibility for the conventional defense of Europe. Such voices will not be muted; I believe they will grow louder.

The United States cannot be expected to increase its defense allocations to Europe and in other areas such as the Middle East which have a direct bearing on the defense of Europe without concomitant European efforts.

Many of our European allies have pointed to the past success of the alliance and claimed that it constitutes evidence that the alliance should be maintained as is, the structure unaltered. However, I must disagree with any such position. Alliances, like people, must develop with time, adapt to new circumstances, or they will be doomed to decay with time and be the victims of circumstances over which they have no control.

Let us not forget that while NATO has proved an extremely successful institution, success has been achieved only at a price.

In a recent symposium published by Harper's magazine, Earl Ravenal pointed out that according to his calculations NATO has cost the United States between \$1.5 and \$2 trillion since its establishment. I must stress, however, that this was money well spent.

When NATO first was established, Western Europe was bled white by the strains of World War II. Democracy did not then have the robust appearance which it now has. Economic devastation prevented Western Europe from providing a fully credible defense against the Warsaw Pact.

Consequently, the United States came to the assistance of Europe to guarantee both its future security in the safety of democracy. The policy proved successful. The U.S. commitment to Western Europe saved it from Warsaw Pact aggression and permitted democracy to flourish once more on European soil.

However, the NATO alliance cannot afford to bask in the golden glow of past successes. Past successes cannot be allowed to mask the current crisis. The economic factors which obliged

the United States to take responsibility for such a large proportion of NATO's conventional defenses no longer pertain. The economic circumstances of the alliance have changed and the alliance must adapt to those changed circumstances.

Western Europe boasts a population larger than that of the United States, and, collectively, a higher level of government spending.

Europe is no longer the United States' junior partner in NATO. I think it is worth reading in that regard a recent editorial in the Economist magazine which, I remind my colleagues, is a European publication.

This article is entitled "The Old Wife of Europe Has to Recapture Her American Husband's Attention by Being More Intelligent about Defense." I urge my colleagues to listen carefully to what this British magazine says:

Of course, Western Europe has to put more effort into defending itself and protecting its interests outside Europe.

Future historians will scratch their heads when asked to contemplate the fact that the United States, with fewer people and less government spending than Western Europe, nevertheless provides most of Europe's nuclear protection, a large chunk of its non-nuclear defenses, and almost all of the men, ships and aircraft which guard the gulf oil that European industry depends on while Europe provides no reciprocal service for the United States. (The Economist, May 18, 1984 p. 12.)

Mr. President, those are not American words, those are the words of a distinguished English periodical, and I think we ought to listen to them with care.

I know there are those who do not approve of the timing of this amendment. They believe the United States should not press Western Europe for greater defense contributions at a time of economic difficulty and that any effort to do so will prove deleterious to the state of diplomatic relations between the United States and Western Europe. To the first, economic argument, I reply that the requirement for a 3 percent real increase in European defense spending contained in this amendment is reasonable and well within European capabilities. If it were economically unreasonable, the European leadership would not have committed itself to just such an increase time after time. Let us not forget that this amendment requires nothing new of Western Europe. It simply requires that the governments of our NATO allies proceed with the commitments which they have freely made already. The United States has managed to make much greater improvements in its defensive capabilities and, while we are enjoying a strong recovery, I submit that a \$190 billion annual deficit proves that we are not exactly out of the economic woods, ourselves.

Diplomatically, I would argue that the implementation of this amendment will actually improve diplomatic relations between Europe and the United States. The current inequitable distribution of the NATO burden is bad for both the United States and Western Europe. In the United States, it feeds the disturbing new neoisolationist trend which seeks to ignore any U.S. national security concern which lies beyond our own borders. So far as Western Europe is concerned, I believe that the diplomatic consequences of overdependence upon the United States have been best described by Dr. Henry Kissinger:

Military dependence on another nation has a cumulative impact. When dependence no longer results from wartime destruction but from a policy choice, made under conditions of relative property, it can breed guilt, self-hatred and a compulsion to display independence of the United States wherever doing so is safe, especially with regard to some third world issues and certain aspects of East-West relations. (Dr. Henry Kissinger, Time, March 5, 1984, p. 21.)

Ironically, a Western Europe which could not shelter behind the over-heavy protection of the United States would be obliged to face its security problems in a straightforward and honest manner and would, consequently, prove much more supportive of U.S. international policy in general.

Mr. President, I should stress at this point that neither the Senator from Georgia nor I is attempting to reduce the U.S. conventional presence in Europe. Rather, we are trying to bring about a situation which will enable the United States to maintain its current level of commitment to the defense of Europe.

Make no mistake, the people of this country simply will not continue to spend large amounts of U.S. tax revenue for the defense of Western Europe if Europe itself is not willing to join in the effort.

The opponents of this amendment have argued that it is premature, the time is not right. I would reply that time is actually running out, that we must act now or we will quickly find ourselves in a situation where a significant proportion of the U.S. electorate is demanding much more drastic action. The senior Senator from Mississippi already has remarked upon the growing profusion of so-called anti-NATO amendments which have been submitted to the defense authorization bill this year.

I did not support any of those amendments. However, I submit that, unless Europe steps forward to take a more active role in its own conventional defense, the number of those anti-NATO amendments will increase each year and they will begin to pass.

I hope that the Senator from Mississippi will discern that the Senator from Georgia and I are not introduc-

ing an anti-NATO amendment. Rather, it is our very commitment to the future of the North Atlantic Treaty Organization which causes us to perceive the present danger to the alliance and to move quickly to remedy the situation before it is too late and the alliance sustains severe, irremediable damage.

The time has come for action, Mr. President. At the moment, the NATO alliance is held together by a fragile web of fond memories and strategic myths. The current defensive posture of NATO vis-a-vis the Warsaw Pact has been dubbed flexible response. Theoretically, should the forces of the Warsaw Pact attack Western Europe, NATO would enjoy a variety of military options; it could confront the pact on a conventional level and resort to nuclear weapons only when all conventional options had been exhausted.

However, as has already been pointed out, NATO does not, in fact, enjoy any such flexibility. The current status of NATO's conventional defenses insures that, in the event of war, we, the NATO alliance, will be obliged to escalate quickly to the nuclear level. According to General Rogers, such escalation should be conceived in terms of days, not weeks.

NATO's conventional weakness is all the more surprising in light of the general consensus, on both sides of the Atlantic, that we must seek to raise the nuclear threshold, to become less dependent upon nuclear weapons for our collective defense. Raising the nuclear threshold will require a new Western commitment to increase the quality of U.S. European conventional forces.

Here in the United States we have succeeded, through a series of difficult and costly defense spending increases, in making many improvements. However, as the Senator from Georgia has pointed out, the European cart is far too heavy to be pulled by the United States alone, and no concomitant trend is visible in Europe. I would like to quote from the draft report of the North Atlantic Assembly's Subcommittee on Conventional Defense in Europe:

There is general consensus in most West European countries that it is desirable to lessen NATO's reliance on nuclear weapons, yet there is no prospect for additional real growth in most European defense budgets over the next five years, even among defense-minded conservative governments such as in the United Kingdom and the Federal Republic of Germany. (North Atlantic Assembly, Draft Interim Report of the Subcommittee on Conventional Defense in Europe, May 1984 p. 20.)

Mr. President, the Senator from Georgia and I have been in the forefront of the effort to remove disincentives to European participation in a NATO-wide conventional improvement program. In 1982, we introduced the Roth-Glenn-Nunn amendment to

establish a cooperative defense-industrial effort in NATO to share more equitably and efficiently the financial burdens as well as the economic benefits of NATO defense.

A few days ago we introduced an amendment requiring the Secretary of Defense to submit to Congress by December 1, 1984, a plan for the implementation of the amendment. The amendment now before the Senate contains a provision for side-by-side testing of United States and European weapons systems to remove other barriers to the two-way street in transatlantic arms trade. However, I would have to admit that, as yet, our efforts do not appear to have galvanized Western Europe into a conventional defense effort.

In closing, let me say, Mr. President, I think it is important to understand that the whole purpose of this amendment is to strengthen the conventional defense so that the NATO alliance is as viable in the future as it has been in the past.

Mr. President, I ask unanimous consent to have printed in the RECORD my statement before the North Atlantic Assembly at Luxembourg in May 1984.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WILLIAM V. ROTH, JR., NORTH ATLANTIC ASSEMBLY, LUXEMBOURG, MAY 1984

Mr. President: I asked for permission to speak today as I am greatly concerned by what I have heard in our earlier committee meetings. I am concerned because I am one of the people who believes the NATO alliance will continue to be as critically important in the future as it has been in the past. I believe people on both sides of the Atlantic have underappreciated the fact that the Alliance has kept the peace in with the East for 35 years.

The question is whether NATO can meet the challenge of the future. What I have heard and read here is, indeed, disquieting.

The fact is that our so-called flexible defense is not flexible. General Rogers has said: "Instead of possessing genuine flexibility . . . our current military posture will require us, if attacked conventionally, to escalate fairly quickly to the first use of nuclear weapons." The possibility of nuclear war is something abhorred by the people on both sides of the Atlantic. The people demand that we reduce the nuclear risks and that can only be done by building a credible conventional defense.

The rebuilding of a conventional defense is costly; it is expensive; it will as General Rogers has said cost more. Yet, if NATO is to be viable, it must be done. Still, I read in the military reports being considered here that our European allies cannot allocate significantly more resources during the next three to five years. Both the draft report on conventional defense and the draft general report on alliance security make this clear. They say there is no prospect for additional real growth in the European defense budget.

If this be true, not only for now, but for the remainder of the 80's, I believe it means the Alliance will be in serious difficulty. President Reagan is seeking significant real

increases—over 7½% in defense spending for FY 1985. While the President may not get this much, there is a strong contrast in the allocation of resources between the two sides of the Atlantic.

Mr. President, I believe it to be important for our European friends to understand how serious this matter is. There are strong voices, respected voices, in the United States calling for reform of the Alliance, for the reallocation of the burdens and responsibilities, Henry Kissinger calls for greater European responsibility for ground defense; Sam Nunn, a staunch supporter of NATO, is saying that NATO's conventional forces must be improved, if the U.S. commitment is to be sustained politically; a member of our delegation, who left Sunday for Geneva, will call for a reduction in U.S. troops in a speech he will make in that city. These voices will not be muted, but will grow louder. The U.S. cannot be expected to increase the budget, its burden, not only in Europe but in other areas, such as the Middle East, which have a direct bearing on the defense of Europe.

There are not only voices in the U.S. calling for the reform of the Alliance and reallocation of burdens. It is also important to understand we are witnessing the growth of neo-isolationism in the U.S. from both the left and the right. From the left, one sees a groundswell for non-involvement of forces: non-involvement in Lebanon; non-involvement in Central America. In any way the Hart phenomenon is a product of this development. From the right, one sees visions of unilateral activism, of going it alone.

Both camps join hands, though for different reasons, in supporting the loosening and even leaving the NATO alliance.

While I do not foresee these camps becoming a majority, I think it's important this assembly consider the new realities; that is, if NATO is to continue strong and robust, as it must, Western Europe with a collective economy as large as the U.S. must do more. The people of the United States will not support an ever-increasing burden without commensurate sacrifice on the part of our Allies.

Part of the answer is, of course, better arms cooperation; to do better with the funds we already have.

I would hope arms cooperation is a matter that would be on the agenda of the next Summit Conference later this month. I am happy to state that a group of us have agreed to form a bipartisan congressional caucus in support of arms cooperation. But this is not enough. More needs to be done. So I believe it important for this organization to address the challenges of reform and reallocation of responsibilities next fall. Surely, we can find the answers to these perplexing problems that will insure the continued success of the Alliance as the guarantor of peace between the East and West.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I strongly endorse the amendment proposed by the Senator from Georgia, but I do not like it. I do it as a necessity. When the distinguished Senator from Texas, the chairman of the Armed Services Committee, talks about not wanting to kick our friends in the teeth, I agree with him. We do not want to do that, but what can we do when we get

kicked in the teeth, when we have relied on the teamwork of the NATO alliance that has made it successful. And it has been that kind of teamwork. We have been very understanding team players in the NATO alliance through the years when our partners have had tough times. We have kept our troops over there. We voted down the Mansfield amendments of past years. We did all these things to show that we are reliable partners in NATO. We understood that these were nations recovering from World War II and that they needed help. We gave that help. We had the Marshall plan and we developed trade. We have kept our borders open for trade.

We have kept a cooperative stance with regard to the world economy. We have done all these things, and then some years ago we finally made an agreement that, we share the burden and we say this burden can be more fairly distributed among all the NATO alliance members rather than us being a blank check for NATO.

Europe has recovered from World War II. They have a gross national product approximately equal to that of the United States. Japan has recovered from World War II and is a major competitor in world markets, as we are well aware in this country. We have about a \$21 billion trade deficit with Japan. I will get into that in some remarks a little bit later.

To say that we are kicking our friends in the teeth is just not an indicator of what the correct situation is. If anything, we have seen them let down in fulfilling the commitments they made once they had had a complete economic recovery following World War II.

I do not see this as playing into Soviet hands. I can see that this might be the interpretation. But I submit that if this alliance is not strong enough so that we can have a team which operates as a team and meets its commitments as a team, then we are going to be weakened and we might as well face up to that right now. So we find ourselves in a catch-22 situation to some extent.

I do not want to disagree with our NATO allies. I do not want to force them into something they do not want to do, but I also do not want to see them force us into ever and ever and ever higher defense expenditures in this country; \$300 billion a year we are now spending. Well, we have increased that, but are we to just go on into the indefinite future saying we will pick up the tab if NATO does not see fit to fulfill their commitments? Can we not rely on them as team members?

The distinguished floor manager of the bill pointed out that they have conscription, the draft, selective service. They are prone to pointing that out every time we get together. I have

not met with a single NATO foreign minister, defense minister, or prime minister, either singularly or in a group, that has not said to us, "You folks don't have the draft."

OK, we do not have the draft. Maybe we will have to go to that some time. I doubt that but perhaps we will. But it is not up to them to determine how many people we get into our military service or by what means.

Mr. NUNN. Will the Senator yield?

Mr. GLENN. If they want to propose a draft, that is fine. They can have a draft. But we put our people in by a different means, and they should understand that.

I yield for a question.

Mr. NUNN. Will the Senator yield on that point? I think that is an important point. I have heard that statement made. It has been attributed to high-ranking officials in Europe, including the former Chancellor of Germany. I happen to believe that eventually we will need a draft. I am not one of those who is shy about saying so. I think there are many reasons for that. But for the Europeans to raise that when they are going to run out of ammunition in the first stages of any NATO war—while any draft would take a period of months to produce forces—is almost the height of absurdity. They do not have any right to raise this issue. They might if they had a 30- or 40-day supply of munitions. When they get to that stage, then they can raise the question of the U.S. draft and reinforcements. But not when they are going to run out in the early stages of a war and not when the forces we are going to be putting in there in the first couple of weeks of war are going to arrive about the time their ammunition runs out. For them to say we need a draft, so we draft people and start training them and getting them there 90 days later after it has already escalated to a nuclear conflict, is absurd. They may be for the draft, but it is for invalid reasons.

Mr. GLENN. I thank the distinguished Senator from Georgia.

We are keeping some, what, 340,000 Americans in Europe?

Mr. NUNN. 326,000 on the ground.

Mr. GLENN. 326,000 on the ground right now. So we are meeting our manpower commitment in Europe, and we are doing it with an All-Volunteer Force. We may have to go to a draft sometime. I do not disagree with that. I am not for it right now. But we can certainly keep that as an option. We will meet our manpower commitment. It is up to us how we do it. So I do not think this idea they keep talking about to us every time: "You don't have a draft, you don't have a selective service, you don't have conscription" is appropriate. We are meeting our manpower requirements in our own way. They are meeting theirs in their way. So be it. To say we should pick up the

tab for all the other things going on because we do not have a draft is just not logical.

Mr. LONG. Will the Senator yield at that point?

Mr. GLENN. Certainly.

Mr. LONG. Just to try to put this in such a way the ordinary person understands it, is not a way of saying it: What difference is it how we raise our level of manpower if they do not have enough ammunition to hold out until our troops can get there?

Mr. GLENN. That is exactly right.

Mr. LONG. What difference does it make how we got our men into uniform if they do not have what it takes to hold out long enough for our troops to arrive on the scene?

Mr. GLENN. I certainly agree with the distinguished Senator from Louisiana.

Mr. NUNN. If the Senator will yield, the Senator is absolutely correct. Nobody that runs out of ammo in the first couple weeks of battle has any standing to talk about a draft that would produce troops months later.

Mr. LONG. It is like saying it would be nice if all our troops had a college education. What difference does it make if they cannot hold out until the first one arrives on the scene?

Mr. GLENN. I completely agree with the Senator from Louisiana. The other day when I read the résumé of what the distinguished Senator from Georgia was proposing, I went to him and I said, "I think you have left out a couple of important areas that should be considered." I said then that I support what he is trying to do. I dislike intensely the necessity for doing it. But I thought that just focusing attention on Europe and NATO and nothing else missed a couple of good points in other parts around the world with our allies.

Now, with NATO, one of the things we are doing is maintaining our presence just outside the Strait of Hormuz. Traditionally, Europe has received somewhere around 50 percent of its oil through the Strait of Hormuz. Europe's miraculous industrial recovery after World War II would not have been possible and would not continue to be possible today were it not for that strait remaining open. Who is picking up the loan there? Well, the French have deployed some small forces down in that area. By and large, however, we are the ones who are looking into a Rapid Deployment Force. We are the ones who are buying new carrier task forces—and at what cost? \$13 billion to \$15 billion for each complete carrier task force ready to project power at sea in that part of the world in order to keep the sealanes open for Europe and for Japan.

Yet, NATO has refused to recognize these out-of-area responsibilities, as they call them. Go and talk to the

NATO people and go to the defense conferences in Europe, and they will not even consider anything out of area. "Our responsibilities are for NATO," they say.

Their economic well-being is going to be determined by whether or not the Strait of Hormuz remains open, and we take the responsibility for that.

Rapid Deployment Forces, carrier task forces, deployments in that area—we are doing these things. We think it is for the betterment of the whole world. It is for the protection of NATO and for carrying out our responsibilities. Yet, they do not take into consideration that we are expending extra money there and have driven our defense expenditures up to almost \$300 billion a year. Traditionally, our European NATO allies have received about 50 percent of their oil from that area; Japan, about 75 percent.

Mr. President, I ask unanimous consent that several sets of figures be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GROSS NATIONAL PRODUCT, 1982, AND ESTIMATED 1983
DEFENSE EXPENDITURES AS A PERCENTAGE OF GROSS
NATIONAL PRODUCT

[As reported by the Congressional Research Service]

Country	GNP (billions)	1982	Estimated 1983
United States	\$3,070.0	6.4	6.9
Canada	276.7	2.2	2.1
Britain	531.0	5.1	5.6
West Germany	720.0	3.4	3.4
Greece	40.2	7.0	7.1
Turkey	65.2	5.2	4.9
Norway	58.5	3.0	3.1
Iceland	2.8	0	0
Belgium	101.7	3.4	3.4
Luxembourg	5.1	1.0	1.3
Netherlands	146.3	3.2	3.3
Italy	374.0	2.6	2.8
Spain	197.0	2.1	NA
Denmark	61.2	2.6	NA
Portugal	24.5	3.4	3.4
Japan	1,200.0	1.0	1.0
France	607.0	4.2	4.2

¹ Limit.

1984 UNCLASS BURDEN SHARING—CHART II-23—REAL
INCREASE IN COUNTRY DEFENSE SPENDING

[Percent change from previous year in constant prices—excluding inflation] ¹ ²

	1980	1981	1982	1983
Belgium	1.9	0.9	-3.3	-3.0
Canada	5.1	3.1	4.9	5.0
Denmark	7	6	-3	-2
France	3.7	3.7	9	9/1.5
Germany	2.3	3.2	-8	1.9
Greece	-9.4	22.8	1	1.3
Italy	4.9	-5	3.2	1.1
Luxembourg	16.3	4.8	3.9	3.5
Netherlands	-2.1	3.3	2.1	2.7
Norway	1.8	2.7	4.1	2.8
Portugal	6.0	9	5	4
Turkey	2.0	1.8	4.6	1.9
United Kingdom	2.8	1.4	6.4	3.0
United States	4.9	4.7	7.6	7.6
Non-United States-NATO ⁴	2.6	2.8	2.3	1.9/2.1
NATO total ⁴	4.0	4.0	5.7	5.6/5.7

¹ All of the figures depicted in this table are based on the NATO definition of defense spending and are the best estimates that can be made on the basis of information now available.

² National fiscal years correspond to calendar years except as follows: Canada and the United Kingdom (April–March), United States (October–September), Turkish data through 1981 are based on a March–February fiscal year. In 1983 Turkey converted to a January–December fiscal year.

⁴ DOD estimate.

³ Non-United States-NATO and NATO totals reflect weighted average growth rates developed using 1982 constant prices and 1982 exchange rates.

Mr. GLENN. Mr. President, one of the tables has the GNP of each of these nations and the percentage they are spending on defense. The only one that is spending more than we are as a percentage of GNP, and it is not the largest nation in the world, is Greece. They are spending 7.1 percent. These are estimated 1983 figures. This table lists these nations and shows that they are putting forth, on the average, less than half of what we do in GNP terms. This is for all of the NATO nations.

The other table deals with burden-sharing. It shows the real increase in a country's defense spending as a percentage change from the previous year in constant prices. It goes through the same lineup of nations. It shows that Belgium has gone down 3 percent. Denmark is minus 0.2 percent. Germany is up 1.9 percent; Greece is up 1.3 percent. This gives an indication of what efforts are being made.

Our gross national product is, according to figures we received today, around the \$3.3 trillion level. Western Europe is at the \$2.9 trillion level. Japan is a little less than the \$1.2 trillion level. That gives us an idea of what the strength of our economies is and our failure to share our defense commitments. So, I do not see those defense commitments as being things we cannot expect those governments of Europe to meet.

I now turn to a different part of the world, because I think this also has to do with what we are spending on defense. We think of our traditional trading partners with respect to our heritage in Europe—families that came to this country years ago. We have a close kinship to Europe. But what has happened to the world economy? I think that in 5 of the last 6 years we have had more trade with the Far East, with Japan. That little tail in the world economy is beginning to wag the whole dog. It is bigger than the dog. It is wagging the whole world, in some respects.

We talk about trade deficits. We have trade deficits of \$21 billion a year, at current rates, with Japan.

What is happening so far as defense expenditures are concerned? They have their self-imposed limit of under 1 percent of GNP which they have stuck to.

I fully appreciate the Japanese constraints in this area. Coming out of World War II, they did not want to be involved in war again.

I was in that war, and it was a big one, and we remember it very well. But Japan came out of that war and set up their own constitution, with our help. That constitution said they would never again buy offensive weapons, that they would not set up offensive forces, that they would not set up

expeditionary forces any time again. They wrote that into their constitution. Their public sensitivities in this area are extreme, and I understand that.

Public opinion in Japan has changed somewhat, however. In the 1950's, only 23 percent favored even having a self-defense force in Japan. In the 1980's, that has come up to about 75 percent of the people who now say they support a Japanese defense force.

However, the Japanese will not end that 1-percent limit, and we have provided the basic defense for Japan through all these years, and we continue to do so right now. Their defense expenditures, I believe, are running around \$12 billion or \$13 billion.

How does that compare with our efforts? That is about what one carrier task force costs us. We are building a couple of additional carriers. We want to keep the sealanes open and provide that kind of security for Japan, to keep the Strait of Hormuz open. That is where Japan gets about two-thirds of their oil and has traditionally received three-fourths of their oil. We are guaranteeing those sealanes.

I have gone to Japan for years and years and talked and talked about their assuming a greater share of the expense of their defense requirements than they have ever been willing to do.

Mr. President, I ask unanimous consent to have printed in the RECORD a speech I delivered in 1981 at the Shimoda conference in Japan on this subject. That was 3 years ago this summer. The remarks I made there are apropos. Some of the figures have since changed, but the basic thrust of that speech is still valid today.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE UNITED STATES-JAPAN SECURITY
RELATIONSHIP: THE CHALLENGE AHEAD

SHIMODA CONFERENCE, 1981

(By Senator John Glenn)

The Shimoda Conference marks the last stop for me on a rather lengthy tour of Asia. For the past several weeks, I have been travelling extensively throughout the People's Republic of China and Taiwan. While I was on the mainland, I learned of an ancient Chinese curse that says, "May he live in interesting times." Well, whether we consider it a curse or blessing, we do live in extremely interesting times. And in my view, few things are more interesting than the steadily evolving Japanese-American relationship. That relationship has recently been buffeted by a series of disagreements—disagreements that have ranged from economic and trade issues to the area of defense cooperation. To be sure, these disputes have been somewhat unsettling. But I also believe that they clearly demonstrate the resiliency of the ties between our two countries. Only good friends can quarrel with no lasting or serious damage to their relationship. And despite our disagreements, the United States-Japanese friendship remains as strong as ever. But keeping it that way will require us to do at least two things.

First, we must do our best to minimize the frictions that *do* occur. And second, both sides must dedicate themselves to strengthening our cooperative efforts in the future.

CHANGING CIRCUMSTANCES

In my judgment, much of the difficulty we have been experiencing stems from what might be described as "growing pains." With countries—as with individuals—circumstances change, growth occurs and relationships mature. Perhaps nowhere is this phenomenon more apparent than in the evolving relationship between the United States and Japan.

At the close of World War II, Japan was a war-ravaged nation looking to the United States for guidance as a kind of "older brother." Today—three and a half decades later—Japan has become an industrial giant, looking upon the United States as a sometimes "ailing father" whom it still respects, but now occasionally has to help. In many ways, the age is past when Japan needs an "older brother." Time and changing circumstances have combined to firmly link our two countries as full and equal partners.

Naturally, this dramatic metamorphosis has generated uncertainty and tension for both Washington and Tokyo. But if our partnership is to grow and prosper, each side must recognize, accept and adjust to today's new realities. In part, that will require each of us to rethink our respective roles and responsibilities. Although this process is slow and often difficult, I believe we are now moving in the right direction. As Saburo Ohkita, Japan's Special Trade Representative, has so eloquently put it:

"There has been a kind of zigzag in our relations because we are moving. We are changing our neutrality and this is a new role. Until now, people have thought of Japan as a small, weak nation located in the corner of Asia. Now because of its economic growth, it has come to the stage of playing a larger role in global affairs. And this is accompanied by larger responsibilities."

As usual, Mr. Ohkita is right. Japan and the United States have come a long way together since the end of World War II. We now find ourselves on the threshold of what should and can be a new and exciting adventure. But like the traveler in Robert Frost's immortal poem, Japan is also at a crossroads. In one direction lies the mutual benefit of close, continuing cooperation between Japan and the United States. In the other direction lies potential danger; a rearmament Japan walking alone and acting independently of its friends and allies.

THE DEFENSE ISSUE

Fortunately, I see no signs that the Japanese people desire to embark upon the second path. Numerous public opinion polls suggest that most Japanese favor a continuation of the U.S.-Japan Security Treaty. Alliance with the United States is still viewed as fundamental to Japan's security and to the protection of her economic interests around the world. True enough, we cannot take these Japanese attitudes for granted or assume that they are necessarily permanent. But neither should we overreact to the questions that periodically arise in Japan about America's willingness to come to Tokyo's defense if she were threatened with attack. Quite often, such doubts are more a reaction to U.S. words and undiscussed actions than an expression of Japan's desire for greater military independence.

A case in point was President Carter's announcement in 1977 that he planned to withdraw American combat troops from the

Korean peninsula. Shock waves immediately reverberated throughout the region. Many observers believed that the decision meant further U.S. disengagement from the burdens of leadership in Asia. Unsurprisingly, some Japanese began to question America's resolve.

In fact, however, the importance of the U.S.-Japan Security Treaty—and of our defense cooperation generally—have increased in both Washington and Tokyo. Each side recognizes that we must work closely together if we are to maintain regional peace and stability. That is because our mutual security arrangements are a linchpin, a key point of connection—not only for the defense of Japan, but for U.S. military activities and commitments throughout all of Asia. Without American bases in Japan, for example, our ability to deter Soviet aggression in East Asia would decrease substantially. Similarly, the defense of South Korea heavily depends on the logistical support provided by U.S. bases here. And American forces based in Japan also help patrol the sea lanes to the Middle East and are an essential element in our defense of the Persian Gulf.

Well, if both nations recognize the importance of working together, why is there so much talk back in America about the so-called "Japanese defense issue"? And why is there similar discussion here in Japan about "U.S. pressure tactics"? One reason, of course, is the uncertainty and tension created by the evolutionary nature of the U.S.-Japan partnership. But I think there is another problem as well; namely, a mutual failure to communicate our positions properly. Not only are the resulting misunderstanding unnecessary, but they are often compounded by sensationalized reporting in the news media.

In my view, this is one area where "quiet diplomacy" could truly be effective. On the defense issue, we need more frankness in our private talks and less rhetoric in our public pronouncements. At present, our positions too often come out looking like legal briefs—or what I refer to as the "you're wrong; I'm right" syndrome. In consequence, Japan's growing defense contributions during the decade of the 1970's are ignored, while U.S. efforts in the Persian Gulf on behalf of our allies are similarly downplayed. Before discussing the future, I think it's important to accurately assess the past.

JAPAN'S CONTRIBUTIONS

Japan's defense contribution over the last 10 years has increased. As my good friend, Mike Mansfield, has pointed out:

"During the 1970's the Japanese increased their defense spending by about 8 percent annually, while NATO increased its spending 2 percent annually and we decreased ours by 2 percent annually."

I hasten to add, however, that Japanese percentage increases applied to a starting point of under 1 percent of GNP still leave the total dollar amount for defense at a very low actual level for the world's second most powerful economy.

Ambassador Mansfield also notes that Japan's projected 1981 defense budget of \$12 Billion is double what she spent in 1975. Indeed, Japanese defense expenditures are now the eighth highest in the world. The results? Fourteen well-equipped Army divisions or their equivalents now stand guard over the home islands, while some 500 combat aircraft protect Japan's airspace. Japan's naval inventory includes almost 50 major surface combatants and 14 submarines. These totals become ever more impor-

tant when they are compared with U.S. forces currently in the region. More specifically, regionally, Japan now possesses about 1½ times as many combat aircraft as the United States, more than double the number of naval combatants and twice as many attack submarines. Once again, however, \$12 Billion for defense, in a time of growing mutual concern, hardly seems adequate in burden-sharing when compared to the planned \$160 Billion U.S. expenditures, much of it dedicated to Persian Gulf efforts, of even more importance to Japan than to the United States and Europe.

And numbers alone do not tell the entire story. In Japan, neither the Constitution nor public opinion permit the development of military forces outside the country's borders. So while Japan has done well in providing for the defense of its own territory, Tokyo's allies cannot depend on Japanese forces being used where they might be needed most: in the Korean peninsula or Indochina.

CHANGE JAPANESE ATTITUDES

There is recent evidence, however, that Japanese attitudes toward defense issues are changing. In the 1960s, only 23 percent of the Japanese public wished to maintain the Self-Defense Forces. Today, 90 percent favor the SDF. We might also recall the famous Diet debates of the 1950s. On one occasion, for instance, a dispute arose over the proper definition of a "defensive aircraft." Everyone agreed that the Japanese Constitution prohibited the purchase of offensive fighters; the question was whether jet aircraft possessed too much offensive capability. After much wrangling, it was decided that only propeller-driven airplanes could be purchased. Today—only 25 years later—Japan not only uses jets, but will soon be introducing into its inventory the world's most sophisticated air superiority fighter—the F-15 Eagle. That, my friends, is change.

Even the controversy surrounding nuclear weapons appears to have receded somewhat. Admittedly, sensitivities remain and understandable passions still flare on occasion. But most Japanese seem to accept American assurances that we will not introduce nuclear weapons into Japan. At the same time, they recognize that U.S. nuclear forces must operate within the region if Japan is to retain protection under the American nuclear umbrella. The shift in public opinion is unmistakable. In the early 1960s, hundreds of thousands of demonstrators took to the streets to protest the U.S. nuclear presence. Today—even in the wake of all the recent allegations concerning nuclear issues—only a few thousand do so. Indeed, when the U.S.S. *Midway* returned to Japan from the Persian Gulf, local Japanese officials actually turned out to *welcome* her. Who would have thought that possible only a few short years ago?

Now none of this means that I am insensitive to the importance of consensus building here in Japan. I am simply suggesting that while attitudes about defense are changing slowly, they are nevertheless changing dramatically. What seemed impossible only 10 years ago has come to pass. And, likewise, changes that appear improbable today may become possible in the future.

THE U.S. EFFORT: CHANGING CIRCUMSTANCES

As for the U.S. defense contribution, I think we can all agree that it has been crucial to Tokyo's reemergence as a world economic power. Moreover, the U.S. military presence and commitment in Asia has

helped preserve peace and stability throughout the region. Traditionally, U.S. forces in the Pacific provided three benefits: a nuclear umbrella for Japan; a buffer against North Korean adventurism; and protection for our Southeast Asian friends and allies. Periodically, the Seventh Fleet sent a small patrol contingent into the Persian Gulf. But this required only minor adjustments and did not lead to any significant drawn-down of U.S. combat power in Asia. Well, the seizure of American hostages in Iran and the Soviet invasion of Afghanistan have changed all that. Those events clearly demonstrated that a major and long-term U.S. military presence would be required in the Middle East.

Prior to the invasion of Afghanistan, the United States employed a so-called "Swing Strategy" in which forces would be maneuvered to whatever part of the world was in danger. If a crisis erupted in East Asia, for example, Atlantic forces would be sent to reinforce our Pacific fleet. In fact, that actually occurred during the Vietnam War. Today, however, clear and present dangers in the Middle East demand that U.S. forces from both the Atlantic and Pacific be massed in the Persian Gulf. In my judgment, this commitment may last a decade or longer.

THE U.S. EFFORT: DOMESTIC FACTORS

Fortunately, the ominous situation in the Middle East is occurring at a time of widespread American recognition that our military posture—particularly in its conventional aspects—seriously eroded during the 1960s and '70s. It has not been as much a matter of U.S. decrease, as it is massive Soviet increases. As a consequence, both Presidential candidates called for increased U.S. defense expenditures during last fall's election campaign. The Reagan Administration assumed office indicating that it planned to increase defense spending while holding the line—and in some cases, cutting—domestic programs.

Lately, however, the picture has been somewhat complicated by passage of the President's huge tax cut program. Unless the economy responds spectacularly to the tax cut stimulus, huge budget deficits will loom large on the economic horizon. In that event, the Administration, as recent reports have indicated, may feel the necessity to make further budget cuts—perhaps even larger than those we have made already. Some observers fear that defense may prove to be a tempting target. Indeed, on August 5th, Deputy OMB Secretary Edwin Harper said that he "doubted" future budget cuts would come from social programs, but from "every other program in government . . . (including) defense." Now I hope and I believe that Mr. Harper was suggesting only that we cut unnecessary and wasteful defense spending. But the larger point is this: in America—as everywhere else—difficult economic times can sorely test an otherwise firm consensus on the need for higher military spending.

The U.S. defense dilemma is further complicated by the need to replace those forces shifted to the Persian Gulf from Asia and Europe. On top of all the other pending military requests, the American people will be asked to provide for two or three additional carrier battle groups over the next five years. At \$10,000,000,000 a copy, many American taxpayers are likely to swallow hard. When you realize that Japan's total defense budget in 1980 would purchase only one battle group, I think you can appreciate the scope of the problem.

NEW CHALLENGES: THE PERSIAN GULF

Moreover, the American people will be asked to shoulder these enormous costs not in defense of our homeland, but in support of our commitment to the Persian Gulf. And it is no secret to anyone that protecting the Gulf's oil lifeline benefits Japan and Western Europe more than the United States. America imports only 20 percent of its oil from the Middle East, while Western Europe and Japan receive 50 and 74 percent, respectively, from that source. To put it in stark and realistic terms, what will become of Japan's economic miracle, if we receive word this evening that the Persian Gulf is closed?

Now it may be obvious and beyond dispute that a growing American economy depends on the economic health and vitality of our trading partners. But that argument will become much less persuasive if American sacrifices are perceived to be greater than those of the nations we are protecting. If Americans find that there is no such thing as a "free ride" for themselves, they will be in no mood to provide "free rides" for their friends. In short, demands for larger defense contributions from Europe and Japan are likely to increase—not diminish—over the next few years.

And in purely military terms, the next few years are what really count. The United States has already begun the painstaking process of rebuilding its military strength. There are no shortcuts and no bargain basement ways of achieving military sufficiency. The lead time on such big-ticket items as ships and aircraft is long. Components, key metals and trained manpower are already in short supply. American money alone cannot solve the problem because our defense industry can only absorb so much before waste and inefficiency set in. So even if the American consensus on an expanded defense holds, it will take several years before results are realized. That's why the defense efforts of our allies are critical in the short term. We need your help now—not your promises of assistance later.

NEW CHALLENGES: THE GROWING SOVIET THREAT

Over the next five years or so, I believe that the cohesion and strength of the Western Alliance will be severely tested. Because in addition to our new requirements in the Middle East, we must also respond to the growing Soviet threat around the world. I need not remind anyone here tonight about the Soviet occupation of the Northern Territories or of the \$6 Million per day that Moscow is pumping into Southeast Asia. But the situation is much worse than that. Whether one looks at Asia, Africa or Latin America, the picture is of an imperialist Soviet power clearly on that march.

What does all of this mean for Japan? For one thing, you must recognize that with U.S. military assets already spread thin, it would prove extremely difficult, under certain circumstances, and no matter how solid our resolve and commitment, for us to provide adequate conventional defensive forces. Although the American nuclear shield will remain intact, a crisis in the Middle East, a war on the Korean peninsula or a major conflict in Indochina might hinder our ability to simultaneously respond to a contingency involving Japan. This does not mean that our will or our commitment to Japan has slackened. It does mean that there are limits to U.S. military capability, particularly for the remainder of the 1980s.

We Americans recognize and appreciate Tokyo's past efforts. We are also aware of

the constraints that are imposed on you by both your history and your Constitution. But we need your understanding as well. We make no demands—and I would not try to pressure you other than by presenting the facts as I see them. The fact, however, is this: Japan—along with our other allies and the American people themselves—will be asked to do more. This will be opposed by some; it will doubtlessly be painful for many others. But it must be done. It's just that simple.

JAPAN'S NEW RESPONSIBILITIES: MILITARY

Americans are often accused of asking for things without specifying exactly what they expect. So let me be specific. Militarily, I believe it is essential that Japan speed up completion of its "National Defense Program Outline." In that outline, as you know, Japanese defense experts identified critical military problem areas and then posed solutions for them. I accept the judgments those experts made, and in particular believe that implementing the plan with emphasis on (1) interoperability with U.S. forces, as well as (2) a maximum of defense consultation and joint planning, will make it maximally effective. But I am concerned about the arguments that have ensued about the program's implementation.

Many Japanese want to stretch out the program so as to stay within the annual 1 percent of GNP target that their country usually sets for defense. Although I understand that desire, I believe such a course would endanger Japan's security and would jeopardize the close working relationship that exists between Washington and Tokyo. I repeat, we are faced with danger now. We cannot wait ten years to meet it.

If the United States were asking Japan to do more so that we could do less, your reluctance would be easier to understand. But clearly, that is not the case. Nor are we asking you to do anything that would contravene your Constitution, create major economic difficulties or alarm your neighbors. All we are asking is that Japan complete its own plan one year early. That's all; nothing more, nothing less.

That hardly seems unreasonable—particularly since the American people are being asked to make much greater sacrifices. Some analysts have estimated that the United States will be spending an average of 7 to 8 percent of GNP—as against Japan's 1 percent—for at least the next five years. And whatever we end up allocating for such projects as the MX missile, the neutron bomb or the B-1 bomber, much of that increase will be used to replace Pacific forces now transferred and on station in the Persian Gulf—an undertaking that is of direct benefit to Japan. U.S. forces in the Middle East will also be gradually improved. Here, too, Japan will be among the prime beneficiaries, given her overwhelming dependence on oil from the Persian Gulf. And that brings me to my second point.

JAPAN'S NEW RESPONSIBILITIES: NONMILITARY

Americans know that your direct military contribution will be strictly confined to improving the defenses of the Japanese home islands. We know that the political consensus required to change that policy will come only slowly. We are also aware of your constitutional prohibitions against any SDF involvement in offensive operations. We accept all of these constraints. But given the magnitude of our other needs—and the extraordinary cost of our Persian Gulf deployments—we must ask that you find non-

military ways in which to ease our common burden.

Numerous suggestions have already been made in this connection, and I will not even attempt to catalog them all tonight. In any event, it is for Tokyo to decide what can and cannot be done. But let me mention a few of the more obvious examples of what I have in mind.

PERSIAN GULF COST SHARING

One area in which Japanese assistance would be helpful is in support of America's Persian Gulf Deployments. Just the shipping and maintenance costs of keeping U.S. forces in the Middle East are staggering. American personnel and equipment must be transported from the Pacific to the Indian Ocean, and our maintenance facilities are located in Japan. Surely a way can be found to share these costs without trampling on the Japanese Constitution. In fact, the Diet decided last year that Japanese contributions to allied defense efforts in the Middle East were not necessarily unconstitutional.

BASE SUPPORT PAYMENTS

A second possibility for greater non-military efforts by Japan concerns the Status of Force Agreement and base support payments. Tokyo contributes roughly half of the \$2 Billion a year required to maintain American forces in Japan. If we were talking only about the defense of Japan, splitting the costs 50-50 might be equitable. But when U.S. activities in the Persian Gulf are factored into the equation, I think it is reasonable to expect a higher Japanese contribution to maintaining bases located on their own soil. I might add that by assuming such a responsibility, Japan could help mute Congressional critics who accuse her of hitching a "free ride" on defense.

FOREIGN ASSISTANCE

A third alternative that has received widespread support is for Japan to expand its foreign assistance program. Indeed, Tokyo has already announced its intention to double foreign aid over the next five years. Although I find it difficult to accept normal foreign aid as applying in the same category as direct military preparation, nevertheless, this certainly is a step in the right direction. Global security cannot help but improve if economic growth is enhanced in less developed countries.

In the past, the major share of Japanese aid has gone to Asian countries, especially those in Southeast Asia. Recently, Japan has broadened the scope of its assistance program and has provided increased aid to nations of the Middle East, Africa, and Latin America. That is all to the good. What is troubling, however, is that while the dollar amounts of Japanese assistance have increased as advertised, aid as a percent of GNP is in decline. This trend must be reversed if your program is to have the intended effect. And if Japanese aid is to be counted as a substitute for defense expenditures, it must be more than rhetorical.

It is difficult for me to make the suggestions I have made this evening. It is not easy to ask for help. Like Japan, America is a very proud nation. In the past, we have sometimes tried to dictate to our partners and—as in the case of the "China Shock"—to consult with them only after the fact. Let me assure you that on this matter, we are not attempting to dictate. Japan's defense contribution must be decided upon and supported by the Japanese people themselves. If it is not, any decision to increase Japan's contribution could quickly be reversed. The Japanese leaders here tonight know much

better than I what their country can afford and how much the fragile security consensus will bear. But I urge your careful consideration of what I have said this evening. America treasures its special relationship with Japan. It has served each of our nations well for over 35 years. We hope and believe that it will endure in the future. But to ensure that outcome, both countries must work to allay unnecessary stresses and strains. For it is only through our own efforts that our relationship will remain strong.

JAPANESE POWER AND THE REACTION OF HER NEIGHBORS

Finally, let me say a few words about the future. With or without U.S. encouragement, I believe the decades ahead will witness a substantial growth in Japan's military capability, perhaps even reaching a major military power by the 1990s. Now don't misunderstand me. I am *not* prophesying the reemergence of Japanese militarism nor proposing an offensive role for the SDF. I am only underlining the obvious. By spending even only a modestly-increased percent of her GNP on defense over the next 10 to 15 years, Japan—already the world's second leading economic power—could easily become one of the globe's top 4 or 5 military powers as well.

Personally, I have no fear of such a development, and I don't think the Japanese people should either. Working together, we can guarantee Japan's future security and do much to discourage military adventures elsewhere in Asia. History demonstrates that strength deters aggression, while weakness invites it. Peace in Asia has always been a laudable goal in and of itself. And today, a peaceful environment is essential for continued economic success throughout the region.

And yet we must not deceive ourselves. Many Asian nations can be expected to view Japan's growing military power with alarm. They remember the days of the "Greater East Asian Co-Prosperity Sphere." Although they do not deny that Japanese attitudes have changed profoundly; although they recognize the sincerity of Japan's permanent renunciation of aggressive force—they are nervous nevertheless. Old soldiers may fade away, but old suspicions tend to linger. Most Japanese are conscious of these fears, and it probably helps explain their reluctance to discuss publicly the implications of their nation's military modernization.

THE PACIFIC COMMUNITY CONCEPT

The same situation occurred in Europe, of course, when it was decided that Germany's rearmament was crucial to the defense of that continent. Many feared that Germany's military might would again be directed against them. These apprehensions were largely overcome by the even greater threat of a Soviet invasion. But to calm those who remained fearful, it was agreed that Germany's rearmament would take place only within the confines of a close military alliance—the North Atlantic Treaty Organization. Thirty years later, this arrangement continues to serve well, all of the parties involved. We should keep the German example in mind when discussing Asian security issues.

Let me hasten to emphasize, however, that I do not advocate the creation of a Pacific NATO. However well that approach worked in the European context, I do not believe that a formally structured, multilateral military arrangement is appropriate for the dilemmas we face in Asia.

The proposal I make this evening is much less ambitious—but one that takes the European experience into account. For many years now, I have argued that bilateral relations are an insufficient means of dealing with certain Asian problems. Especially with regard to economic and trade issues, I believe that bilateral relations must be supplemented with a multilateral mechanism. In my view, many of our difficulties could be ameliorated if we identified potential problems early and worked out solutions collectively—worked multilaterally on "consensus" development.

It is for this reason that I commissioned, as Chairman of the Senate Foreign Relations Subcommittee on East Asia, a 1978 report entitled "An Asian-Pacific Regional Economic Organization: An Exploratory Concept Paper." The report—authored by Professor Hugh Patrick of Yale University and Professor John Drysdale of the Australian National University—concluded that the United States ought to consider participating in the formation of an Organization for Pacific Trade and Development, or OPTAD for short. Although the acronym obviously has not caught on—and although I myself have reservations about forming yet another international organization—the concept of a "Pacific Community" has attracted numerous supporters. That is a welcome development, because I believe that many potential benefits could be realized in an association of Pacific Community Nations.

BEYOND ECONOMICS

There are some problems, however. One of the most formidable is that those who advocate the Pacific Community concept tend to focus exclusively on economic issues. Now economic issues are vitally important—particularly for the United States, which has seen its trade with East Asia exceed its trade with Europe in four out of the last five years. But if the Pacific Community idea is to be truly meaningful, it must go beyond economics. In my view the organization's agenda should include a broad range of politico-military issues as well. Annual—or even semiannual—conferences could be convened to discuss these topics. Although academics and representatives from the business sector could be encouraged to participate, I believe government support and sponsorship of these meetings would be necessary to produce the desired results.

Operationally, I would propose that separate discussions among political, economic and military experts precede plenary sessions attended by high-level government officials. Issues like Japan's military modernization and its regional implications might provide useful topics for discussion in this kind of forum. Although Pacific Community meetings would not replace the countries' bilateral consultations, I believe that a regional organization might be a helpful adjunct to more traditional forms of diplomacy.

I know that there are those who will shy away from this proposal; those who will say that Pacific security issues are too sensitive to be discussed in regional forums. I disagree. Philosophically, what I am suggesting could be described as an expanded and more formalized version of the Shimoda Conferences. Just as consensus building is a vital component of government in Japan, I think the Pacific Community at large would benefit from a more systematic attempt to achieve agreement on matters of common concern. Now I don't claim that such an ar-

range would solve all our problems. But surely identifying and talking about issues before they become irritants is preferable to letting them fester. In Japanese, I am told, there is a word for cutting through a problem to the core. It is *wari kiru*. Perhaps that is the essence of what I am proposing tonight. Because I believe that ignoring or postponing difficult problems rarely leads to their solution.

Let me close my remarks this evening with one final thought. Tonight I have sought to address a few of the challenges facing Japan and the United States as we enter the final decades of the 20th Century. For the most part, these challenges are the inevitable result of tremendous global change. Meeting them will, therefore, often require fundamental changes from us; changes in thought as well as in behavior. But change is the law of life, and it brings opportunity as well as danger.

Over 100 years ago, one of our greatest American Presidents—Abraham Lincoln—also confronted a churning and changing world. He responded this way:

"The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with the occasion. As our case is new, so must we think anew and act anew."

I believe those words are equally applicable today. So let us go forward together in the work that must be done, remembering that upon our success rests the only future our children will ever have.

Thank you very much.

Mr. GLENN. Mr. President, I do not want to see the Japanese set up expeditionary forces. I do not want to see any new greater Asia coprosperity sphere. If you want to frighten Singapore and other places in that part of the world, start talking about massive Japanese forces and task forces. I do not want to see us push the Japanese into that mold. I did suggest in the Shimoda speech some things that I think, 3 years later, the Japanese should still consider and break out of the 1 percent mold.

They are now no longer a little brother around the world. They are a big economic factor, the second largest economic factor in the world. That nation has recovered and is very competitive with us. They are now able to take more of the defense load. They could do that. There are several billion dollars that could help us immeasurably, if they did several things. What if they helped take care of some of our shipping costs for the Indian Ocean?

What if they took care of all of the base support in Japan instead of just a portion of it which they pick up now for our people who are stationed in Japan? What if they said that they would overhaul and help maintain the ships and do that in Japan at their expense? What if they said that they would increase foreign assistance in that part of the world where we try and help other nations? These are all areas that would involve several billions of dollars that they could help us out on. I think they should.

We used to have a swing strategy. We do not hear much about the swing

strategy any more. We did not figure there would ever be trouble in the Far East and in Europe at the same time. We therefore provided sufficient naval forces in Europe and additional forces in the Far East. In case of an emergency the swing forces from Europe would swing over to the Far East or come in the Persian Gulf area. If they were out in the Far East and something happened in Europe we would swing them over the other way to Europe. That was the swing strategy.

We do not hear too much about the swing strategy these days, because commitments now are widespread. We are going to have additional carrier task forces, and I support that.

But while we are going to all this expense for carrier task forces—each carrier task force, I will say once again, equals about the total defense expenditure of Japan—it is not fair to say they cannot share some of the expense we are putting out. I am not trying to force them into a mammoth new carrier task force, or deployment of troops.

I am saying we are providing that kind of defense in that part of the world for Japan, and I think they can better share some of that burden with us and take some of the load from us and help us get the several extra billion we would like to have, instead of us just providing everything.

We run into some people in Japan who say, "What danger are we in?" All they need to do is look no farther than what they call the northern territories, the disputed islands north of Japan. They have had an argument with the Soviet Union for quite a number of years as to who really owned that territory, and it was supposed to be adjudicated in international court proceedings. They had negotiations going back and forth.

What happened is the Soviets moved in, just took them, put 12,000 troops on the islands, fortifying them, setting up northern bases there in the northern territories, and now these northern territories are Soviet territories for all practical purposes.

So that is what can happen to Japan.

What if we could not supply all the equipment necessary? What if we wind up in this country unable to buy or supply all of the equipment necessary to keep those sealanes open? Japan, what happens then? What happens if Japan goes its own way?

What if the Strait of Hormuz does not remain open? Will they still have that same two-thirds to three-fourths of their oil that normally comes out of that Strait of Hormuz?

That is something the Japanese are going to have to answer.

I want to see us develop a Pacific community concept. I have talked about this in the past, and I met with officials in Japan on this. It has been

called, for the lack of a better name, the PT&D Organization, for Pacific Trade and Development. It should go beyond economic considerations. It should cover political, economic, and military matters, because Asia is important for us and certainly important to Japan.

We keep forces in Korea. We keep logistic supplies in Japan to help back up that commitment in Korea which certainly is in the Japanese interest.

But, Japan, I say today in the Senate Chamber, we need your help also. We are spending up to \$300 billion a year while you skimp by with about \$13 billion a year on the Japanese self-defense force.

I would not offend the Japanese constitution nor would I violate public sensitivities in Japan because they, beyond almost any nation in this world, certainly their older people, remember what it was like to be devastated in World War II. They came out of it with a commitment never to be a party to such a warlike situation again, and I support them in that effort.

But these suggestions do not violate their constitution. It does not violate their public sensitivities to support the protection that we are giving them and the equipment we are buying to keep those sealanes open out of that Persian Gulf that benefits Japan and benefits Europe.

So while I am firmly in support of what the Senator from Georgia is doing with this amendment, I think we need to extend it to some of the other allies around the world beyond just the NATO allies.

Certainly NATO needs to live up to commitments. We are living up to our commitments and beyond.

I do not think we can go into the indefinite future being the bankroller of European defense and Japanese defense, when they both are fully capable, to take a greater share of the load.

I think we need to emphasize this. I do not like to rattle a cage. I do not like to say we are going to cut anything off.

The Senator from Georgia has given 2 years for them to adjust to living up to the commitments they solemnly made to us, and I would say there is no teamwork in NATO unless these commitments are lived up to.

We have our own economic problems in this country. The Senator from Delaware mentioned we are down \$190 billion a year right now. Well, that is a lot of money.

I addressed that during my recent Presidential efforts in some detail. That is perhaps one of the reasons I am back now in this Chamber and not out campaigning, because I did so specifically state that I was concerned about what was going on around the world, the military conditions and the

economic conditions. I am concerned that the United States is going back in debt, driving interest rates up and causing the dollar to be so strong and causing economic disruptions for Europe. This hurts their ability to come up with the additional 3 percent as well as us to do what has to be done in this country.

So I am concerned that we get this under control.

I think it is time our European allies decided finally they are going to live up to this commitment. They cannot expect the United States of America to just forgo any consideration of what the Europeans should be putting into the pot. They can no longer assume that we have an unlimited budget in this country to just continue on and on building, building, and building. We are now right at \$300 billion a year. They cannot expect us to keep on going up forever.

They are a recovered portion of the world. Japan is a recovered nation of the world. Europe is now almost equal to our gross national product. Japan has about one-third of our gross national product. These are recovered parts of the world that can now take more of this defense load in working with us as allies.

So that is the reason I support this. I wanted to emphasize these two main points in addition to the very excellent presentation that the Senator from Georgia has made. I wanted to point out Europe's refusal to consider out-of-area situations. The additional defense expenditures we are putting in to take up those responsibilities in the Mideast and the Persian Gulf area benefit Europe more than they do us. This is something that they should consider.

The same thing for Japan. The Japanese are very proud. They were very proud back when their defense expenditure went up 7 percent. There were big headlines in the newspapers. It was big news in Japan. The defense expenditures were up 7 percent. Big deal.

It was on the basis of their 1 percent of GNP limitation. They moved—I think it was 0.87 percent of GNP up to 0.933, as I recall. It was a little under a 7-percent increase. They were very proud of that. I guess that is fine. They can be very proud of that.

That sounds like a great advance in their defense expenditures, but it was starting at a base of under 1 percent, so it did not mean that much; and their total defense expenditures now are less than we pay for one carrier task force fully equipped and ready to go.

So, Mr. President, I support the amendment of the Senator from Georgia. I support it for all the above reasons, but I support it very reluctantly because I do not like to rattle the cage on them. I do not like to rub their

nose in this thing, but, on the other hand, they have been rubbing our nose in it, expecting us to just come up with a bigger check every year to bail them out. They say they cannot afford it. They want more social programs. We do also. We wish we had more money for social programs in the United States of America.

I have people in Ohio where we have a half million people still unemployed, despite the economic recovery, and some of them are hurting. Their unemployment benefits have run out, and their health benefits are not there any more.

So we have a lot of problems in our own country. I think it is time that they realize that.

We helped them recover. We did not conquer these nations, saying we are going to take you over as U.S. territory. We did not form bloc countries as the Soviets did in Europe. No; we turned around and in what probably was the greatest economic missionary effort in the history of the world, we helped them recover. We gave them technology and worked with them. We gave them military protection against Soviet expansionism.

Now it is time they come back and help us a little bit. They committed to these figures in Europe. It is time they lived up to them. I think they should realize that the Japanese have gotten by with a free ride. They do not like that term, but that is exactly what it is.

We have to face facts. It has been a free ride and although we do not want to push the Japanese into a great new military expansion, I think it is time they spent the additional money and go above that 1-percent limit to help us in our efforts. We are willing to do it. We want to be strong. We want to help them. We want to provide security in that part of the world as well as in Europe. It is time they picked up their own fair share.

Mr. President, I yield the floor.

SEVERAL SENATORS addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I will not take but a very little time. But this is one of the drain holes, one of the drags on our tax money. Something must be done about it.

Now I would not support the provision that just arbitrarily said we were going to withdraw 10 percent, 20 percent, 30 percent, or any percent, just as an abject, immediate matter. But this is a gradual approach that has a lot of reason, a lot of common sense behind it, and something that is certainly within the reach of attainment of our allies.

This goes back. We used to have fights here year after year, and fine debates. At that time I was handling the appropriation bill for the Depart-

ment of Defense and also some of the armed services. And a very influential, popular, splendid man, Mike Mansfield—his name has already been mentioned—was very insistent on a withdrawal of some of the forces. He would introduce that amendment. I remember one time he had 42 signers calling for such action of that kind. Somewhere in there we had a tie vote, it was so close; up the hill and down the hill and along the fence.

I was here when NATO was formed. I remember General Eisenhower's testimony. He said, for one thing, that "I would risk my name in history on the success of this venture." Never heard a finer statement from a man under those circumstances.

I have been proud of what it has done all these years and have supported it in every possible way that I knew how. But I am fully convinced, until we take some steps, and it will have to come, I think, from the legislative branch—and I say that with all deference to the executive branch; they have their problems, they have their ideas, and they have their arguments.

But I tell you, we have got troubles closer to home than this. We have had a lot of talk but we have not done much toward improving our budget. We have not accomplished much, with everyone acting in good faith. I give them credit for it, but we have not made a real start yet. We are going to have to give this matter some special attention.

I have no doubt in my mind—and I am not an expert on what the Germans think or anything like that—but I feel that an amendment of this kind will draw just a little blood but it will draw a lot of attention and it will make a start, make a start, in this field. And it has got to go on. I think we will have to continue this for years and years and years, I mean NATO or its equivalent. I believe Russia would have gotten control and having been dominating, totally dominating, Western Europe by this time if we had not intervened.

I mention those things just to show you that I am no stranger to the worrying about this very subject. But I have been driven to this conclusion that I have already briefly outlined.

If we can make a start—and this is the kind of a start that is not going to wreck anything or hurt anybody, but it will become the basis, I think, of a better understanding. It will be a second start for NATO.

If we just go on and on taking their explanations—I did not say excuses, I say their explanations—and our executive branch, the Pentagon and elsewhere, just keep on taking those same facts, over and over again, this thing will not get better. It will get worse and get so bad, in my opinion, that that could be the basis for a breach or

a breaking up or the failure of the whole affair.

So I hope that we can deliberately, positively, move forward on this positive approach and start getting some results.

So that is why I have not changed my mind about anything. But I am going to change my vote about this.

SEVERAL SENATORS addressed the Chair.

The VICE PRESIDENT. The Senator from Maine.

Mr. CHILES. Will the Senator from Mississippi yield?

Mr. STENNIS. Yes.

The VICE PRESIDENT. The Senator from Maine has been recognized.

Mr. COHEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. STENNIS. Mr. President, I have no complaint. It is not customary to cut a man off.

Mr. NUNN. Mr. President, a point of order. Did the Senator from Mississippi lose the floor?

Mr. STENNIS. I am not complaining.

Mr. NUNN. He never gave up the floor.

Mr. COHEN. As I understand it, Mr. President, the Senator had yielded the floor. If there is any question about that, I would be happy to yield to the Senator.

Mr. STENNIS. Well, I had finished, but the Senator from Florida asked if I would yield to him. Would that be all right?

The VICE PRESIDENT. It was the view of the Chair that the Senator from Mississippi had finished. But, in the opinion of the Chair, if the Senator from Mississippi wants to yield to the Senator from Florida, the Chair will recognize the Senator from Florida.

Mr. STENNIS. I have no complaint about the ruling.

Mr. COHEN. Mr. President, I yield to the Senator from Mississippi.

Mr. CHILES. I thank the Senator from Maine for allowing the Senator from Mississippi to yield.

I wanted to ask the Senator from Mississippi, I remember when he stood on the floor and fought the Mansfield amendments, not 1 year, but over several years, I remember that that was over many hours and the votes were very, very close.

At that time, as I recall, the proposition of the Senator from Mississippi was that we should not do anything to weaken NATO. As I recall the thrust of the amendment of the Senator from Montana, the distinguished majority leader, it was the basis of cost to the United States, it was not in arguing to get NATO to do something extra. It was not used for that matter.

So I just wanted to ask the Senator if my understanding is correct that his position is still what it was then; that

he wants a strengthened NATO and that is the basis for which he supports the Nunn amendment.

Mr. STENNIS. I think we have got to strengthen it by a step of this type.

Mr. LONG. Will the Senator yield for a further question?

Mr. STENNIS. If I am permitted to yield, I will yield.

Mr. LONG. Mr. President, the Senator from Mississippi is one of those few Senators who was here when we voted for the North Atlantic Treaty Organization. This Senator was here at the same time. For one, I recall very well the debate. The treaty carried overwhelmingly.

But the case for it was overwhelming. It had compelling logic to it. The case for it was if we had more than 400 million people in the most advanced and developed countries of the world, standing together and sharing the burden and working together in cooperation, we could be so strong that nobody would dare invade this "sanctuary." That was the language that Tom Connally, the committee chairman, used at the time.

It was not told to us that this thing was going to be so weak that all this would amount to would be to make a commitment to go to war in a war we could not win. That is the trend. That is where it is going—a commitment to fight a war with conventional weapons that we cannot win and a commitment to fight a nuclear war that we cannot win, either.

Now, if the United States, plus Western Europe, will share the burden, this thing could be made to work and everybody would be more secure.

The one thing that the Communists can claim a good record on is keeping the peace insofar as a strong defensive power is concerned. They have never been known to attack somebody who is in a position to defend himself.

Mr. STENNIS. I think the Senator has correctly described the beginning of this thing and the present situation, too.

Mr. LONG. But their record, as far as respecting the rights of a weaker neighbor, is absolutely horrible. If one cannot defend himself, you can almost count on them to move against them.

Mr. COHEN. I thank the Senator.

Mr. President, I ask unanimous consent that I may yield to the Senator from Indiana without losing my right to the floor.

The PRESIDING OFFICER (Mr. NICKLES). Is there objection? Without objection, it is so ordered.

The Senator from Indiana.

Mr. LUGAR. Mr. President, I have learned much from Senator NUNN's contributions over the years to Senate debates on national security matters and issues of strategy. I think I understand the intent of this amendment, and I share with him some of the frustrations and concerns in achieving a

more equitable sharing of the defense burden by our NATO allies.

I fully recognize the strong imperative for increasing NATO's conventional capabilities in order to have a true flexible response, with no semblance of an extended tripwire. The issue is: Will this amendment in its present form, and particularly because of its timing, have its intended effects if enacted now? Or, will enactment of this amendment now have precisely the opposite effects?

There are several factors that enter into my judgment that enactment of this amendment at this time will produce consequences that would be totally at odds with the intention of the amendment's sponsor.

First, our European allies are still contending with the fallout from the INF deployment decision. The Soviet Union engineered and is still pursuing a massive campaign of intimidation against the deploying countries. Yet, all basing nations with one exception have stayed with the 1979 INF deployment schedule. These deployments indeed constitute a major ongoing effort to redress the middle leg of the triad of flexible response which has been of concern to Members of this body. Our European allies have met the test of sharing the burden in the deployment of these systems. These deployments in the face of Soviet intimidation efforts and massive demonstrations in the streets is a reflection of the willingness of European governments to buttress the NATO deterrent.

Equally important, the emergence of the alliance from major test case of its vitality and cohesion has been accompanied by attitudinal changes and a growing conviction that more must be done to improve the conventional leg of the triad. The last two meetings of the NATO Defense Ministers are testimony to the fact that the alliance has begun to shift the focus of its attention from the now successful improvements of NATO's theater nuclear posture to means of enhancing the alliance's conventional posture. There has emerged from those meetings an impressive consensus on the need for better conventional defense through such measures as improved sustainability and exploitation of emerging technologies. These are measures long supported by Senator NUNN.

European support for such measures is reflective of conclusions drawn from debates in Europe over the dangers of reliance on any kind of extended tripwire. Discussions of NATO strategy—either its alteration or the development of capabilities to meet the current one—are to be encouraged.

Mr. President, there are three essential prerequisites to a stronger NATO conventional option: First, a broad alliance consensus regarding the threat;

second, a similar consensus that deterrence of this threat requires enhanced conventional defense; and third, a widespread belief that this can be generated at a cost politically acceptable to free societies. The feasibility of any NATO conventional option will depend critically on these prerequisites being met. However, enactment of this amendment is unlikely to contribute to a more enlightened debate on NATO strategy, nor to an alliance willingness to draw the appropriate conclusions from such a review of strategy.

It is worth remarking that the prospects for enhancing the conventional defense posture seem greater than at any previous time in NATO's 35 years. While deterrence remains NATO's overriding aim, the advent of nuclear stalemate has endangered a growing recognition that nuclear deterrence-on-the-cheap—even cheaper for the Europeans—is eroding in credibility. The result has been a renaissance of interest in conventional deterrence in both Europe and the United States, particularly since the gap between Warsaw Pact and NATO conventional capabilities is far wider than in nuclear capabilities. This is not to suggest that nuclear deterrence has been robbed of all credibility, but only that the NATO nuclear deterrent is no longer to be relied upon as heavily as in past decades. In effect, NATO is in a period of strategic transition from primary reliance on nuclear deterrence toward a more balanced flexible response posture which its strategy has long called for but which the alliance has never adequately funded in practice.

The fact of the matter is that NATO is already buying and paying for the great bulk of the capabilities required to develop a credible conventional defense—at least in the crucial central region. With European NATO already spending over \$100 billion per annum—1982 figure—on defense, an approximately 25 percent real increase over the level of a decade ago, and the United States spending even more, NATO is already within shooting distance of this goal. Yes, it may seem strange that, when they are already spending so much, the allies have seemed unwilling to fund the relatively modest additions necessary to maximize the deterrent value of the huge sums that they already collectively invest.

Nonetheless, it has been a political fact of life that, with economic recession throttling much of Europe, even modest increases on the order of 3 to 4 percent in real defense spending per annum could not be funded by NATO parliaments. Under these circumstances, the only viable solution has appeared to be efforts to impose stricter priorities, focus as much as possible on low-cost measures, seek realistic

phasing, stress more rational burden sharing, and seek offsets and tradeoffs within existing defense program levels.

Third, the Department of Defense has laid before the Senate a report on improved conventional defense, a report containing some 30 recommendations. The Senate displayed concern and imagination in requesting this report. However, all parties concerned need some time to digest these recommendations and to arrive at considered judgments with respect to priorities for implementation. I would expect the Senate to take a lead in attempting to translate these recommendations into action programs. In short, the United States and its allies are becoming more specific on how the allies can do more in the conventional sphere. But we—the Senate, the Department of Defense, and the allies—need some time to react. Enactment of this amendment could well derail, if not scuttle, efforts to implement many of these recommendations.

Further, Mr. President, I would note that in a few days time Lord Carrington will take over as the new Secretary General of NATO. Lord Carrington is not only well acquainted with congressional concerns about more equitable burden sharing within the alliance; he has also made known the priority he will attach to enhancing the alliance's conventional force posture upon his assumption of office. Lord Carrington will need positive support from Washington as he undertakes this task, support that could be seriously eroded if this amendment is enacted.

Moreover, Mr. President, in the aftermath of the "Euro-missile" debate and at a time of chilled Soviet-American relations, political harmony and cohesion within the alliance are a prerequisite to improved East-West relations. After a period of Soviet intransigence with respect to all Western efforts to revive the East-West negotiating process, and with the recent calls by the President to the Soviet leadership to sit down with us to discuss East-West issues, we may be seeing some light at the end of the cold East-West tunnel.

Yes, this amendment may be intended to send a signal to our allies. But it would also send a very unhelpful signal to the Soviet Union, a signal that could constitute an open invitation to Moscow to redouble its efforts to drive a wedge between Europe and North America. And yes, it could lessen rather than encourage Soviet interest in dealing seriously with the United States on a variety of strategic and global issues. We must not do by legislation what the Soviets have failed to do with threats and intimidation. During the months ahead, as we seek to revive the East-West dialog, unity is particularly important between and within the NATO countries.

Mr. President, the issue as well is how to move forward with conventional improvements at a time when European economic recovery lags behind the U.S. recovery. First, we have to make better use of existing NATO resources. Second, we need to increase the contribution of defense resources by all NATO partners.

Senator NUNN has been in the lead of encouraging NATO planners to develop a more effective resources strategy. In particular, efforts have to be undertaken to promote more effective armaments cooperation, both transatlantic and within Western Europe, and further, we must move forward with the sound application of new technologies. The more effective use of resources through improved NATO planning will in turn strengthen the political support in allied countries so necessary for increased NATO contributions.

An increase in the amount of resources devoted to defense—that is, a greater burden sharing on the part of our allies—cannot be exacted through threats. Such increases can only flow from a European appreciation of the fact that European security is enhanced by improvements in the conventional leg of the triad. From my travels in Europe and from conversations with European officials, I am convinced that European governments, despite relatively poor economic conditions at present, want and will move in this direction.

In sum, Mr. President, concerns expressed in this body in the past over the need for more equitable burden sharing on the part of our allies have had an impact in Europe. We are beginning to see the allies move in the direction that we have long advocated. However, an amendment of the kind that we are currently debating, despite its constructive intent, can only be misinterpreted in Europe and will pull the rug out from under recent efforts and advances to enhance our conventional force posture. Such an amendment, if enacted, would prove especially harmful and dispiriting to those European governments and parties who have painfully held the line against opponents during the INF debates and sought to move publics in the direction of improved conventional defense.

We cannot allow our commitment to and interests in NATO to become hostage to the politics of the day. Moreover, we should take no comfort from the fact that any reductions proposed in the amendment, if certain conditions are not met by our allies, would only take effect at the end of 1987. Passage of this amendment in its present form will invite immediate reaction in Europe which could interrupt precisely those efforts of the day by our allies that are leading in the di-

rection of an improved conventional capability.

If the proponents of this amendment are primarily interested in shaping the terms of reference for the policy debate on this issue, I applaud this intention. And the debate currently underway in this body will go a long way in that direction. However, passage of this amendment would destroy the prospects for a meaningful debate with our allies and derail current and planned efforts to work toward an improved conventional deterrent.

Mr. President, we are asking the American people to make sacrifices in the interest of a strong national defense. We can do no less in urging our NATO partners and European publics to make equally painful sacrifices in the interest of Western security. Without burden sharing, there can be no collective defense. The views of the Congress, and the Senate in particular, must be heard on this issue. There should be no doubt in the mind of any European ally that this body stand for a strong alliance, a credible strategy, and the capabilities to meet the strategy. However, I do not believe that those objectives are furthered by enactment of this amendment. I, too, pledge that the concerns of this body will be transmitted to our allies at every opportunity. The message of the need to make better use of existing NATO resources in defense and to increase the contribution of defense resources by our European partners will be delivered loudly and clearly.

Mr. President, I would urge my colleagues to work with our allies in improving the Alliance's conventional force posture. For that reason, Mr. President, I would also urge my colleagues to reject the Nunn amendment.

Mr. President, I deeply appreciate the Senator from Maine yielding to me so that I could present this statement. I applaud his efforts of a constructive intent, which I know will be coming before the Senate.

Mr. BINGAMAN. Mr. President, I rise in support of the amendment offered by the Senator from Georgia. I agree with him that it is time to challenge our European allies to meet their commitments to NATO conventional defenses. The proposal he has made seems to me a measured response to the inaction of our NATO allies in improving their conventional defenses and in reducing the nuclear threshold.

Every year NATO outspends the Warsaw Pact on defense. This has been true since the 1950's. And yet, we have the statements of Gen. Bernard Rogers, our NATO Commander, which Senator Nunn quoted extensively earlier, that we are still very far from an adequate conventional deterrent in Europe. And, as General Rogers has

indicated, this does not have to be the case.

But we cannot build an adequate conventional deterrent by ourselves. It makes little sense for us to increase the sustainability of our forces if our allies fighting alongside are only going to stock a week's worth of ammunition. If the allies really do not want to make the effort needed to raise the nuclear threshold, then they should admit that to their publics. They should admit that they are willing to make early use of nuclear weapons on European territory in the face of Soviet conventional aggression.

I hope that this amendment will cause the Europeans to face this choice squarely, something the quiet diplomacy of recent years has not forced them to do. What we are asking of them is not onerous. It is far less than we are asking today of the American people. Seven percent of our gross national product is going to our military budget. None of our allies even approaches that level of effort. What we are asking of our allies is really nothing more than they have repeatedly promised to do since the Washington NATO ministerial meeting in May 1978, when the goal of 3 percent annual real increases in military funding was established. We have shown leadership in the alliance. We have met our commitments to the NATO goals, even at times of recession in this country. Our allies should do no less.

I would commend to my colleagues a book by David N. Schwartz, "NATO's Nuclear Dilemmas," published late last year. This analysis of NATO's military posture makes it clear that NATO's "nuclear addiction," as he terms it, has been a fundamental problem in the alliance since the 1950's. For more than three decades the Europeans have used a series of excuses for not improving their conventional capabilities: the expense of conventional forces; the supposedly insurmountable Warsaw Pact superiority in conventional forces; and the notion that conventional capabilities would undermine the credibility of a nuclear response.

None of these excuses stands up to scrutiny, especially at a time when our earlier strategic nuclear superiority has disappeared and an overall strategic balance exists. Today, I believe the threat of nuclear escalation by NATO is an increasingly hollow threat. I believe that NATO should not force itself to choose between conventional defeat and the use of nuclear weapons to repel Soviet conventional aggression. I believe that together with our allies we can forge an adequate conventional shield. Without them, our efforts will be for naught.

Mr. President, I ask unanimous that two excerpts from Mr. Schwartz's book be printed in the RECORD.

Mr. President, I urge my colleagues to support this amendment. I know how carefully Senator NUNN has worked out its provisions. This is not an anti-NATO amendment. This is perhaps, the most pro-NATO amendment the Senate will consider in this decade. It is a plea to our allies to make the NATO alliance work, one that, I hope, they will have the political courage to respond positively to. We must place the burden of nuclear escalation squarely on the shoulders of the Soviet leadership, where that burden belongs.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

CONTROVERSIES OVER CONVENTIONAL DEFENSE

When the alliance was formed in 1949, some Americans hoped that NATO would develop a strong military posture across the board, including robust nonnuclear, or conventional, forces. Over the next decade several factors worked to undermine these hopes. First, the Soviet nonnuclear threat to Western Europe was incorrectly perceived as so large that efforts to counter it would be futile. The recovering economies of Western Europe, along with the United States, had neither the resources nor the political will to match the 175 Soviet divisions allegedly poised to invade the West. Second—and this was one reason the nuclear guarantee became so important—the United States had nuclear weapons, which when used in battlefield operations would supposedly compensate for NATO's nonnuclear deficiencies, and which when used as a strategic threat would provide a stronger deterrent against a Warsaw Pact invasion than any conventional posture could provide. Third, relying on nuclear weapons as a substitute for nonnuclear strength was far more affordable to budget-constrained NATO governments than trying to achieve adequate nonnuclear capabilities.

All these factors militated against the development of strong conventional forces for NATO during the early years of the alliance. It would be convenient if one could attribute, as some have, a "trip-wire" function to NATO's conventional force posture at that time, a posture that when challenged by Warsaw Pact aggression would serve merely to unleash the strategic nuclear forces. Perhaps this was the theory behind the forces; however, they were too large for this function alone. Yet they were too small to meet serious conventional defense requirements.

Not everyone was satisfied with this state of affairs. Some observers criticized NATO's heavy reliance on nuclear forces and its neglect of conventional forces. They charged that such a posture reduced NATO's flexibility in meeting less-than-ultimate threats. They argued that it lacked fundamental credibility as a deterrent threat. They believed that it simultaneously exaggerated the size of the Warsaw Pact conventional threat and underestimated NATO's capability to deal with it. They pointed to data from exercises and analyses which suggested that manpower deficiencies would not only remain relevant in nuclear battlefield operations but would actually magnify NATO's disadvantage. Finally, they charged that NATO had neglected the problems of controlling a nuclear war in Europe, in par-

ticular the pressure that would mount to escalate such a conflict to even greater levels of destruction and the incredible damage Western Europe would suffer even in a "limited" battlefield nuclear exchange.

Attempts to move toward a more serious conventional capability for NATO, particularly in the 1960's, ran into serious trouble. As much as European governments were reluctant to endorse policies that seemed to portend the nuclear decimation of Western Europe, they were equally fearful of moving toward greater reliance of conventional forces. Some saw such a move as an admission of Washington's unwillingness to extend the nuclear umbrella over Europe, while others who were more confident of Washington's intentions feared the Kremlin would misread the move as such an admission. Some saw the move as a cynical attempt to undermine the national nuclear aspirations of other member nations; others, though more generous toward Washington's intentions, challenged the factual validity of its revised assessment of the Warsaw Pact threat. In general, Europeans were convinced that whatever the merits of the new approach put forward in the 1960's by the United States, it simply was not politically or financially affordable. They also clung to the notion, erroneous but understandable given the history and their relative ignorance of the technical facts of nuclear war, that nothing could be worse than a replay of World War II. These doubts about the proper role of conventional forces proved just as damaging to alliance cohesion as those about the strategic nuclear guarantee, and just as exasperating for American leadership.

CONCLUSIONS

The historical perspective of this study shows why the deliberations leading up to December 1979 took the form they did. To leave the analysis at this point, however, would be to miss the forest for the trees. NATO has been wrestling with the same problem for more than three decades and has never developed a permanent solution. Will the December 1979 decision be any different? Will it put to rest the doubts over the U.S. nuclear guarantee? So far as history suggests anything, it suggests that the solution is only temporary.

That said, history also demonstrates that some solutions have been more temporary than others. Some, like the Norstad MMRBM proposal and the MLF initiative, never really materialized. The stationing of Thors and Jupiters did materialize in Europe and may have quelled doubts for a while, but the systems were prone to obsolescence and were soon withdrawn, to be replaced by more explicit reliance on the central strategic arsenal of the United States. Once adopted, the doctrine of flexible response seems to have withstood the ravages of time, in part because of its ambiguity, in part because the battle over it was so unpleasant that no country is eager to reopen the issue. But the doctrine did not forestall concern over new Soviet theater nuclear deployments. The NPG proved to be a useful forum for quieting fears, but it did not forestall concern over new Soviet theater deployments either, nor did it seem an adequate forum in itself to deal with the perceived problem once that problem was articulated.

Because the December 1979 decision is viewed as a response to concerns about the U.S. nuclear guarantee in an era of strategic parity, as a test of U.S. leadership of the alliance, and as a test of alliance cohesiveness

and resolve, it has taken on an importance totally out of proportion to the size and scope of the military role the new weapons systems are likely to play in the event of war. Perhaps this development is to be regretted. Nevertheless, it is a fact of life for the alliance. Controversial as the decision may be, the interests it has engaged make its successful implementation imperative. If the arms-control part of the decision can moderate the planned deployment, reduce the threat to the NATO allies, and make deployments less controversial, it can significantly reduce the political costs the alliance will pay in implementing the decision, and moderate the Soviet response to deployments. But the December 1979 decision will not put to rest the basic problem it was intended to address.

Is there a more permanent solution to be found? The history of NATO's nuclear dilemmas suggests there may be one, though one unlikely to be palatable to governments that have grown comfortable with the way in which the debate over flexible response was resolved. As long as the alliance relies on a deterrent based on the U.S. threat to use its nuclear weapons in defense of its allies, doubts will always exist about whether the United States will make good on that threat. Measures that have been adopted since the 1960's have increased the options open to the United States, should escalation to nuclear conflict seem necessary. This fact has been, and should continue to be, the basis for reducing the importance of these doubts.

A complementary policy could be built on the observation, inherent in McNamara's original conception of the flexible response doctrine that the nuclear posture of the alliance, and the U.S. willingness to use its terrible arsenal in defense of its allies, is manifestly more credible if the alliance has a strong enough conventional posture to force the Soviet Union to contemplate using nuclear weapons to achieve its military objectives. This was the goal first put forward by McNamara in his Athens speech of 1962, the goal eventually rejected in the version of flexible response adopted by the alliance in 1967. Whether the alliance is ready to re-examine this goal, and whether such a posture is technically feasible, given the improvements in Soviet conventional and nuclear forces since 1967, must await treatment in another study. Yet, only by reexamining that goal can NATO determine whether it is doomed to revisit the problem of the credibility of the U.S. nuclear guarantee time and again, or whether it can place the burden of nuclear escalation on the shoulders of the Soviet leadership, where that burden belongs.

BRINGING NATO INTO THE 1980'S

Mr. PRESSLER. Mr. President, I am pleased to cosponsor and support the NATO amendment offered by my distinguished colleague from Georgia, Senator NUNN.

Through all my years in Congress, I have repeatedly voiced a concern, shared by citizens of my home State of South Dakota, that the NATO alliance needs to be restructured to reflect current conditions. Unfortunately, NATO is an organization of the late 1940's which was best suited to meet security needs in the years following World War II.

The United States spends too much on NATO defense when compared to

the NATO defense efforts exhibited by most of our allies. The inequity in shouldering NATO's burden is not limited to finances alone. Perhaps even more disturbing to many Americans is the failure of our allies to fully share in the political and strategic risks of Western security. The American people rightly ask why the Allies fail to join the United States in protecting the Persian Gulf oil routes, when Europe would suffer far more than the United States from an oil supply disruption.

Similarly, on the issue of nuclear weapons in Europe, let us remember that the U.S. supplied cruise and Pershing II missiles in response to our allies' strong request for such weapons. Even the decision to control these weapons using a single key, rather than under a dual-key arrangement, reflected European desires to leave the responsibility for these weapons to the United States it was, therefore, disappointing to find European opinion critical of U.S. missile deployments as soon as the Soviet Union began to protest.

The decision to deploy intermediate-range nuclear weapons in Europe was a joint response by the West to Soviet deployments of SS-20 missiles, begun several years earlier. We must now ask why opinion in Europe is protesting these counterdeployments when Western opinion remained almost silent at the start of the SS-20 deployments. This imbalance in critical European opinion might lead us to believe that some Western Europeans are more concerned about avoiding Soviet wrath in peacetime than in deterring Soviet activities that could lead to war.

Mr. President, let me say that the debate on missiles in Europe has had one very positive outcome, and that is the reawakening of an earlier debate on strengthening NATO conventional defenses. In earlier times, NATO looked toward nuclear weapons as a substitute for manpower and high conventional defense spending. This more bang for the buck approach to security should be reassessed, and this reassessment must be followed by action.

The Nunn amendment would help to encourage action by our allies to strengthen conventional defense capabilities in Europe. I believe that U.S. troop strength in Europe should be reduced and redeployed to the United States. At the same time, U.S. forces remaining in Europe must be part of an effective defense force. They should not simply be hostages in a nuclear confrontation with Moscow. More needs to be done to protect our personnel in Europe. They should serve a larger role than as American witnesses to the use of nuclear weapons. Such a revision requires greater attention to building up NATO's conventional military muscle.

This amendment provides an important mechanism for bringing about a change in NATO strategy and burden sharing in the 1980's. It would require U.S. troop reductions in the event that our allies fail to increase their spending for conventional capabilities.

In conclusion, Mr. President, I believe this amendment deserves the support of the Senate. It sends an important, though long overdue, signal to our allies that if they fail to contribute more to an effective conventional defense in Europe, U.S. troop levels will be reduced. I urge adoption of the amendment.

Mr. KENNEDY. The amendment offered by our ranking minority member, Senator NUNN, raises one of the most important issues facing our national defense posture today. For many years, I have been strenuously advocating a significant increase in our conventional warfare capabilities as a means of deterring aggression and reducing the likelihood that we will be forced to resort to nuclear weapons to defend ourselves and our allies. Nowhere is the need to raise the nuclear threshold more important than in Europe.

We are under no illusions that increased reliance on conventional deterrence is a simple or inexpensive alternative to dependence on nuclear weapons. To achieve the reality of conventional deterrence will require a major commitment not only by the United States, but by our allies as well. The enormity of this undertaking is so great that the United States could not shoulder the responsibility alone, even if we were so inclined. In the context of our collective security arrangements in NATO, it is even more imperative that each member of the alliance bear its share of the responsibility and burden.

Unfortunately, the reality is clear: the United States and its NATO allies are woefully lacking in the means to carry out conventional deterrence, as General Rogers, the Supreme Allied Commander, NATO, has stated:

Allied command Europe's current conventional posture does not provide our nations with adequate deterrence and it leaves the nuclear threshold at a disturbingly low level. Thus, NATO's deterrence is jeopardized by our current heavy reliance on the early use of nuclear weapons to stop a non-nuclear attack. The remedy is for NATO to strengthen its conventional forces which will also raise the nuclear threshold. There are a number of shortcomings in NATO's non-nuclear forces that put us in the predicament I describe. However, the fundamental cause is a low level of sustainability. We are simply unable to sustain its conventional forces in combat for long with manpower, ammunition and war reserve material to replace losses and expenditures on the battlefield.

In 1977 and 1978, the NATO allies, recognizing the dilemma facing us, pledged to increase their real spending for defense by a modest 3 percent per

year. Since that pledge was made, our NATO partners have failed, on average, to meet that goal every year. By contrast, since 1980 the U.S. increases have ranged from 4.9 percent to 9 percent real growth. Little progress has been made in achieving the agreed upon goal of 30 days sustainability for essential munitions, and our severe lack of airbase facilities and defense leaves vulnerable the tactical aircraft we would deploy to Europe in the event of war.

Mr. President, achieving our goals for conventional defense in Europe should be a matter of cooperation, not confrontation. To a considerable extent, I believe that responsibility for failure to achieve these goals must be laid at the door of the President of the United States, whose attitude toward our NATO allies has exacerbated, not improved our cooperative efforts.

It is bad enough that the President has systematically aggravated the tensions between the United States and the Soviet Union; it is inexcusable that he has undermined our vital relations with our allies. Our European partners, staggering under the burden of an economic policy which exports recession and unemployment, are hard pressed to provide the fiscal resources needed to meet the agreed upon targets. With cooperation and constructive leadership in the White House, I am convinced that we could succeed in persuading our allies to meet the obligations they assumed in the late 1970's, without the need to resort to such a dramatic step as the possibility of American troop reductions. I am hopeful that we will elect a new President this year, who will accomplish this goal, rather than following the course of finger pointing and strained relations that have characterized the past 3½ years.

Nevertheless, I believe it is essential that our NATO allies understand the importance that Congress attaches to the effort to improve our conventional defenses. Many of us in Congress have been fighting hard to increase the emphasis on conventional forces, and to scale back our reliance on wasteful, destabilizing nuclear weapons. But our efforts will be in vain if the United States tries to go it alone. There is little point in making this investment if, in the end, we will still be forced to resort to nuclear weapons within a few days of the outbreak of conflict. Only with a sustained, common effort can we hope to reduce or even eliminate the requirement for first use of nuclear weapons in the event of war in Europe. For we all know that once nuclear weapons are employed, even the nuclear weapons, the escalation that will follow will surely and inevitably lead to full-scale nuclear conflagration and the end of the human race.

Although I have reservations concerning the approach of the Senator's

amendment, I believe adoption of this amendment will send an appropriate signal to our allies that we are ready and willing to pursue the desired goal of strengthened conventional defense, but that we need and must have their support.

Equally important, I also view this amendment as a message to the President, that the Senate wants him to abandon his divisive policies toward Europe, and begin the effort to replace confrontation with the vital cooperation that should lie at the heart of our alliance.

I urge my colleagues to support the Senator from Georgia's amendment.

Mr. GRASSLEY. Mr. President, the amendment offered by the Senator from Georgia and the Senator from Delaware deserves careful consideration by the Senate, not only because of its budgetary implications—which are substantial, but also because it encourages greater accountability in the NATO security arrangements.

There is not a Member of this body, I would venture to guess, who does not at some time during deliberations on defense matters have lurking doubts about the upward spiral of U.S. contributions to NATO. Few, if any, Members of this body would suggest, however, a sudden and precipitous reduction of NATO support. This amendment is focused in its intent, not on sudden reductions, but rather on creating reasonable goals based on economic and military realities. There cannot be a blank check from the United States always available for NATO. Our own budgetary problems are so serious now, and may become even more serious, that it is only the better part of wisdom to set in motion clear, concise standards for increases by the NATO nations.

The concept of an alliance such as NATO is based on burden sharing. Creating a common defense against the Soviet bloc, which has amassed a mammoth force in Europe, must be built through a well-managed plan for increased European support for NATO. There is simply no alternative; America cannot play the beast of burden much longer. A glance at the growth of the gross national products of European nations shows they are able to pick up more of the costs for their protection. Look then at the levels of the real increases in defense spending by those nations and it is abundantly clear that the increases in our own defense budget—much of which goes directly and indirectly to European support—simply dwarf European increases. It is no wonder the United States portion appears to build and build and build.

I will say again, America cannot bear this much of the burden forever. If the Congress and the administration do not establish some new directions

for NATO spending, we risk in the future savage reductions not even contemplated today. The economic pressures may become so severe for the United States that drastic changes in the NATO spending formula might develop. Isn't it far more rational to set in motion limited, gradual, reachable goals for European support increases?

Respected analysts like Henry Kissinger stress that Europe should take a greater part in solidifying its conventional forces. General Rogers has noted that there is an increasingly serious gap between Warsaw and European conventional capabilities. Will that gap be narrowed? Who will bear the burden? Look back on the history of NATO and the answer is clear—the United States is likely to bear an inordinate portion of that strategic burden, unless specific goals are set for European increases. At its very least this amendment is good management. We should not forget that NATO nations themselves made this amendment possible by undertaking commitments to increase their support for NATO. The amendment before us asks that our allies meet the standards which they have set in the best interests of the alliance.

NATO must work as a cooperative team with balanced responsibilities. The objectives, goals and standards which will guide the spending policies of NATO must, of course, be reachable and reasonable. This amendment offers a graduated scale of increases that have their origin in the expressed intention of the NATO nations.

AMENDMENT NO. 3267 TO AMENDMENT NO. 3266

(Purpose: To delete certain portions of the Nunn amendment requiring reductions under certain circumstances in the number of United States forces assigned to NATO)

Mr. COHEN. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report the amendment of the Senator from Maine.

The bill clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself Mr. DOMENICI, Mr. GORTON, Mr. PERCY, Mr. WARNER, and Mr. RUDMAN, proposes an amendment numbered 3267 to amendment numbered 3266.

Mr. COHEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

IMPROVEMENTS TO NATO CONVENTIONAL CAPABILITY

Sec. (a) The Congress finds—

(1) that the North Atlantic Treaty Organization (NATO) should improve its conventional defense capability so as to lengthen

the period of time that Western Europe can be defended adequately by conventional forces without the necessity of resorting to the early use of nuclear weapons in the event of a non-nuclear attack on any NATO member country;

(2) that fulfillment by NATO member nations, other than the United States, of their goals and commitments to increase defense spending, improve conventional sustainability, and provide support facilities in Western Europe for rapid reinforcements from the United States is crucial to accomplishing that objective; and

(3) that the continued modernization of United States conventional forces in Western Europe and the continued maintenance of current and projected United States military personnel levels in European member national of NATO can be fully justified only if these goals and commitments are substantially met by NATO member nations (other than the United States).

(b) The Congress urges the President and the Secretary of Defense to continue to encourage member nations of NATO (other than the United States) to work expeditiously to fulfill the following commitments they have undertaken:

(1) An annual increase in their defense spending of at least 3 percent, after inflation.

(2) A 30-day supply of air and ground munitions among those NATO members which have committed forces to the Center Region.

(3) Construction of the number of minimum essential and emergency operating facilities and semihardened aircraft shelters in Western Europe required by NATO Ministerial Guidance to support, under NATO/SHAPE standards, the annual commitment of United States reinforcing tactical aircraft.

(c)(1) After September 30, 1985, none of the funds appropriated pursuant to an authorization contained in this or any Act enacted after the date of the enactment of this Act may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO at any level exceeding a permanent ceiling of 326,414.

(2) If the Secretary of Defense certifies to the Congress in writing in any fiscal year after fiscal year 1985 that in the previous fiscal year the member nations of NATO (other than the United States) have undertaken significant measures to improve their conventional defense capacity consistent with the goals set forth in section 3(b) which contributes to lengthening the time period between an armed attack on any NATO country and the time the Supreme Allied Commander, Europe, would have to request the release and use of nuclear weapons, the Congress would give strong consideration to authorizing an increase in the permanent ceiling prescribed in paragraph (1) for fiscal years after such fiscal year.

(d)(1) Not later than March 1, 1985, and annually thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status, as of January 1 of the year in which the report is submitted, of the following matters:

(A) The number of days of supply of the ground and aerial munitions in hand or on order of the member nations of NATO (other than the United States) which have committed forces to the Center Region.

(B) The number of facilities and semihardened aircraft shelters completed or under construction as they relate to the United States commitment of reinforcing aircraft in the United States Defense Planning Questionnaire (DPQ) Response of the previous year.

(2)(A) Beginning with the fiscal year 1986 budget submission to the Congress, but not later than March 1, 1985, and annually thereafter, the Secretary of Defense shall report to the Congress on the status and cost of the United States commitment to NATO as reflected in the DPQ Response and in the defense budget request. The report shall be an annual update of the Department of Defense Report on "United States Expenditures in Support of NATO", first submitted to the Congress in June 1984 pursuant to section 1107 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 677), and shall include not only the information required by that section but also information which specifically identifies those items in the Secretary of Defense's procurement budget request that are in support of United States forces committed to or earmarked for NATO.

(B) In addition to the requirements under subparagraph (A), the Secretary of Defense shall include in such report an assessment of the performance of the members of NATO (other than the United States) in the following areas:

(i) Allied contributions to the common defense (this requirement is satisfied by submission of the report required by section 1001).

(ii) Improvement in sustainability and support for United States reinforcing tactical aircraft (this requirement is satisfied by submission of the report required by paragraph (1)(B)).

(iii) Meeting NATO force goals.

(iv) Increasing NATO infrastructure funding.

(v) Improvements in air base defenses.

(vi) Increasing trained manpower levels, particularly reserves.

(vii) Increasing war reserve material.

(viii) Improving initial defense capability.

(ix) Improving NATO's ability to neutralize enemy follow-on forces, particularly use of emerging technologies.

(x) Improvements in mine/counter mine capability.

(xi) Improvements in offensive counter air capability.

(e)(1) The Congress finds that a viable "two-way street" of defense procurement improves NATO interoperability and therefore is important to overall improvements in conventional defense.

(2) In addition to any funds appropriated pursuant to the authorization contained in section 116(a) for the activities of the Director of Test and Evaluation, Defense, the Director may utilize an additional amount, not to exceed \$50,000,000, to acquire certain of weapons, subsystems, and munitions of European NATO manufacture (including submunitions and dispensers; anti-tank and anti-armor guided missiles; mines; runaway-cratering devices; torpedoes; mortar systems; light armored vehicles; and high-velocity anti-tank guns) for side-by-side testing with comparable United States manufactured items. Such additional amount shall be derived from any funds appropriated pursuant to an authorization contained in this Act.

(f)(1) This section shall not apply in the event of a declaration of war or an armed attack on any NATO member country.

(2) This section may be waived by the President if he declares an emergency and immediately informs the Congress of his action and the reasons therefor.

Mr. COHEN. Mr. President, I offer this amendment on behalf of myself, Senator DOMENICI, Senator GORTON, Senator EVANS, Senator PERCY, Senator WARNER, and Senator RUDMAN.

Before proceeding with the discussion, let me say to the Senator from Mississippi I offer my apologies to him. I had been on my feet for at least 10 or 15 minutes seeking recognition and was under the impression I was about to be recognized. But there was a changing of the guard at the Chair, and he obviously was compelled by the Senator's voice to recognize him. I was simply trying to protect the Senator from Indiana, who had to leave for another engagement. I do offer my apology.

Mr. STENNIS. I appreciate deeply the Senator's sentiments, but there is no call for an apology. I thank the Senator very much.

Mr. COHEN. Mr. President, first let me say that I do not wish to weigh my knowledge of military issues against that of the Senator from Georgia, Senator NUNN, or indeed the Senator from Ohio, Senator GLENN. I might point out that one of the very first trips that I took part in was with the Senator from Georgia, Senator NUNN, the Senator from Ohio, Senator GLENN, and the Senator from Colorado, Senator HART, when we went on a rather quick visit to the Far East to visit China, Japan, the Philippines, South Korea, and Thailand. I had enormous respect for him at that time. I think he was one of the reasons that I decided to ask to serve on the Armed Services Committee, because of the kind of quality individual that he is, with the kind of substantive knowledge that he does possess, and with the experience obviously he has brought to this body.

So I do not at all wish to in any way pit my limited experience against that of the Senator from Georgia.

I do not wish to have this seen as a vote of the Democrats versus Republicans or as the headline in the Washington Post read, "Nunn versus Reagan." I think that is very destructive. It was not intended.

I know the Senator from Georgia, in my experience, has never sought a partisan opportunity at the expense of national security. I know he deeply feels passionately about this issue, and it is not born from any political opportunity or advantage but rather his own very deep-seated conviction.

He has worked on a number of committees and conferences, on CSIS study groups that I have joined him on. I think that ought to be clear from the very beginning.

As to my own record while serving in the Congress since 1972, I have tried

to the best of my ability to support Presidents, be they Republicans or Democrats, when they were in office, when they were right, and to oppose them when I thought they were making a mistake. I hope I might continue in that fashion.

Mr. NUNN. Will the Senator yield for a brief comment?

Mr. COHEN. Yes.

Mr. NUNN. I am grateful to the Senator for his remarks and for his past friendship. I appreciate our working relationship. I am deeply grateful for his remarks.

Mr. COHEN. I thank the Senator.

I was about to say that this is not a new or unique issue at all. I was going back and reading some of the statements made during a conference of the Center for Strategic and International Studies. The Senator from Georgia chairs these conferences many times during the course of the year. I read with interest one particular publication in which former Secretary of Defense James Schlesinger discussed the time he had worked so hard and so successfully in defeating the original Mansfield amendment that would have called for a withdrawal of troops from Europe.

After having savored that particular victory, he was then told by his staff that he had another problem, that the chairman of the Senate Appropriations Committee, John McClellan, "was on the warpath," and he better get up and see him right away.

He said he went in to see Senator McClellan. Who was then 81 or 82 years old and was not a figure likely to be understood by most Europeans. McClellan apparently went quickly and bluntly to the point and indicated that he was tired of those Europeans.

Schlesinger wrote:

I asked him why. He had heard of this fellow De Gaulle who had thrown us out of Paris. I confessed that indeed that had happened though it had occurred some 6 years earlier.

Schlesinger continued:

I pressed the case that, whatever the misbehavior of the French, whatever the tenets of De Gaulle's policy, the United States had an obligation to the other peoples of Europe—to Germany above all, simply because of our responsibilities that flowed initially from the occupation, and to the Dutch, to the Danes, to the Belgians, to the Norwegians, and to others.

He wrote that the old gentleman responded to that argument and finally relented. He agreed not to press his amendment.

Then Senator McClellan said, "You told me you were going over to NATO tomorrow," and Schlesinger responded, "yes."

"Once again," wrote Schlesinger, "I encouraged him to come. He said, 'tell them for me: They're just a bunch of damned ingrates.'"

So nothing much has changed, apparently, over the years. There is a

very deep and pervasive feeling not only in this body but perhaps the entire country that echoes Senator McClellan's opinion of the Europeans.

Even as recently as 1982, I was getting ready to make a speech to the American-German Roundtable conference. I was reading a lot of materials at that time. Notwithstanding the dedication of the Reagan administration to seeking greater communication with and cooperation and support from our allies and to impressing upon them the importance of sharing responsibility for defending areas of vital interest, it was evident that something was amiss, even as early as 1982. Apparently, something had happened the way to the Atlantic Forum and on the road to restoring Western security.

I recall reading almost one article a week with titles such as "Can the Alliance Be Saved?" That occurred in Business Week.

"The Shaky State of NATO." That was the lead in Time magazine, on the cover.

"NATO at a Dead End." That was the Wall Street Journal.

"Something Is Deeply Wrong in the Atlantic Alliance." That was Henry Kissinger.

Then an article appeared in the Washington Post that said "Let's Tell Our Allies Uncle Sucker Is Dead." That was written by William Greider.

So we can see something is wrong not only in recent history but going back much farther. I think there is a reason for that. In peacetime, there usually exist inherent jealousies and rivalries in any alliance of democracies. In time of war, those differences are submerged in a joint effort to survive. The most dangerous time for any such alliance is when we are a long way from peace but something short of actual war. Then the rivalry and the competition can dissolve rather easily into rancor and recrimination, producing either a paralysis of thought and action, or a fracture in the common bond itself. That, I think is unfortunately very much where we find ourselves today.

The Senator from Georgia has spoken, I believe forcefully and correctly, about the failures of our allies. They have not measured up to their commitment. There is no dispute about that—not allegation but factual statement—none whatsoever. By the same token, I think that Mr. Schlesinger pointed out in the speech that I referred to earlier that it is not all a one-way street, that we have some problems, too.

He said during that conference:

At the same time the Europeans have discovered that the great Sir Galahad of the West has weaknesses that were not discerned during those early days after World War II—weaknesses in a political system that was designed in the eighteenth century and has something called the "separation of

powers," which means the dispersion of power. Europeans have discovered that the great protector indeed has feet of clay. This is clearly reflected in the opinion surveys with the decline of European admiration—to put it euphemistically—for the United States. Over the course of the last decade, any visitor from the United States has been amply, if painfully, reminded of that decline.

He went on to say, and I think it is important to remind ourselves of this:

This new understanding of the defects of the U.S. political system is reinforced by the "outsider syndrome." Since the disenchantment with Washington that came with the Watergate affair, the American people have elected as president men whose principal virtue has been that they have never been contaminated by any experience in foreign policy. Europeans, quite understandably, have been irritated by what appeared to be the erratic weakness of Jimmy Carter, and they have been almost equally irritated by what appeared to be the erratic strength of President Reagan.

This erratic quality, which flows partly from the dispersion of power and partly from the outsider problem, has led to European doubts about U.S. political wisdom—doubts that regrettably have been thoroughly justified. Indeed, they have become increasingly justified as the power of the United States has fallen—for the Free World has become even more dependent upon the wisdom and judiciousness of U.S. policy. In this very period in which we need wiser and steadier policy, we have become more erratic.

Those are the key words I would like to focus upon: "In this very period in which we need wiser and steadier policy, we have become more erratic."

I offered some complimentary words, I believe, to the Senator from Georgia earlier, and I would offer even more, because part of this erraticism has occurred upon and down over the years, Republicans and Democrats alike. I recall the Senator from Georgia was very, very influential in restraining one American President from engaging in a unilateral act of withdrawal of troops from South Korea. That was part of the purpose of the trip that we went on, to meet with South Korean allies—not only South Korean but the Japanese as well. They were alarmed at the signal that had been sent that we were going to engage in the unilateral withdrawal of troops in South Korea and they were worried about whether this new attitude, quasi-isolationism, whatever they might have called it at that time, was going to take root and spread and perhaps even call for a reduction in our support of the defense of Japan and others in that region.

The Senator from Georgia was a very, very persuasive—quietly persuasive, I might add—voice going to the White House and saying it is a mistake, we ought not to do this, the consequences of such an action are clearly detrimental to U.S. foreign policy and military as well.

We also went through that period of time in which one German chancellor, Helmut Schmidt, had put himself out on a limb by endorsing the neutron weapon, the enhanced radiation weapon, and it was canceled without prior notice to him, so he was in a very embarrassing position. So the Europeans have something to complain about in our consistency as well as in the lack of coherence of American foreign policy as well. I think this has to be taken into account so we can place it all in better perspective.

No one, including this Senator, can dispute Senator NUNN's statement of fact. There is no dispute as to anything he has said on the merits of his amendment. Those of us standing up now can only question the wisdom of the proposed action because the consequences are unknown to any of us, including, I submit, the Senators, from Georgia, Ohio, Mississippi, or anyone else, including also the Senators from Maine or Indiana.

I find myself in a rather unusual position, Mr. President, agreeing with the essence but opposing the action. I do so principally because of timing. I listened very carefully to the Senator from Georgia when he mentioned the action that was taken back in 1974, when he joined with Senator Jackson in offering an amendment to the Mansfield proposal. That was 1974 and we were coming out of Vietnam at that time. What was appropriate in 1974 is not necessarily appropriate today.

I might say to my friend from Georgia, there is never a good time for change. There is never a good time to change the status quo. There is never a good time for a tax increase, as Senator DOLE is finding out during the conference that is taking place right now. There is never a good time for spending cuts, there is never a good time to deploy the Pershing, there is never a good time to deploy the GLCM's, the ground-launched cruise missiles, or to take, I suggest, Omaha Beach. There is never a good time.

I submit there is never a good time. But there may very well be a bad time. That is something on which I think we have to deliberate at some length. Because it is not at all clear whether this is a bad time. I could be wrong. It might be the right time. It could be a bad time.

It could be, as the Senator from Georgia, I think, implies with some justification, that our European friends will always say, "Just give us a little more time." Some day, we shall be able to persuade our constituents that we need to spend more for our collective defense. Some day, some time. I am reminded of what the poet, Emily Dickinson, wrote to a friend. She said "Don't say sometime. Say in a long time. Sometime is never."

So perhaps the Senator from Georgia is right. Perhaps today is a time when we say to NATO, "Time to shape up or ship out."

But I wonder, I seriously wonder, whether foreign or military policy is so clear, so final, and, I might submit, even so dictatorial. I find it somewhat ironic that we have tried to use the stick approach with the Soviets and we have found it unsuccessful. In fact, we are now, during the course of these deliberations, urging negotiations on behalf of the President with the Soviet Union. "Go negotiate. Let us not use the stick approach, let us not send Cyrus Vance or some other Secretary of State to Moscow and demand that they take down those SS-18's." The stick approach did not work, so now we have tried to construct a more flexible approach. We have tried to encourage our President to negotiate the kind of reductions that we all want.

So after we have urged our President to negotiate, after we found the stick approach has not worked with our adversaries, now we have determined we have to use it on our allies, we have to write it into law. I am struck by the irony of that particular posture. When we make such a declaration, we also have to ask, ship out to where? Ship out to Asia, ship out with Mike Mansfield, our Ambassador to Japan, a strong ally in the East that we defend at great expense, as the Senator from Ohio has told us at length, while they flood us with Toyotas, or Sonys, or microelectronics. Why are they not added to this list?

The Senator from Ohio made a very compelling case as to why we ought to include Japan in any kind of deliberation in terms of a sharing of the burden, but they are not included. This is the same nation that is carrying on trade with North Korea while we spend billions helping to defend South Korea. This is the same nation that has built the largest drydock facility in the world and sold it to the Soviet Union, thereby allowing them to imperil the very seas that we are now required to help defend.

So if we are going to talk about burden sharing, it seems to me we have to talk about Japan. It is inevitable. It is inextricably intertwined with this whole issue, but it also serves to demonstrate the complexity of the issue. Times have changed. We are no longer in a post-World War II situation—economically, strategically, tactically, domestically, or politically. It is a different time. It is going to require the development of a different strategy, and that strategy should not be developed on the floor of the Senate in my judgment. It ought to be developed in the wiser councils away from the glare of the lights, carrying on negotiations with our allies not mandated on the Senate floor. And so I ask the

question again rhetorically: Are we going to ship out? And the next question is, to where?

Is our future security in the Far East with Japan, as then-Senator Mansfield suggested years ago, or are we implicitly putting them, too, on notice that we intend to gradually reduce our presence in the Asian seas and that they should build their own navy and offensive capability against the Soviet threat? Or how about shipping out to China? Are we so eager to embrace that sleeping giant of the Orient for either economic or strategic purposes that we are prepared to rest our future upon the inscrutable leaders of that large and mystifying nation?

The time to break a person psychologically, I think everyone would recognize, is when he or she is under the most extreme point of stress. The way to break a board is to put it under pressure from both ends and then strike it directly in the middle.

Well, the NATO countries are under extreme pressure right now from their peace movements, from their churches, from their enemies—the Soviet Union and the Warsaw Pact countries—and now we propose to put them under even more intense pressure from their friends.

Mr. NUNN. Will the Senator yield for a brief observation?

Mr. COHEN. I yield.

Mr. NUNN. I think the Senator is correct that they are under stress now. I do not think there is any doubt about that. I will not dispute that. The Senator has not disputed a good many things I have said.

The thing, though, that is not coincident in this Senator's view is that that stress has built over the years as it became more and more obvious that the United States no longer had nuclear superiority and therefore massive retaliation for conventional attack was less and less credible. It has become even more apparent in the last 10 years that we no longer have a theater nuclear advantage—in fact, some would say disadvantage. And I think I would agree with that analysis.

So I do not think it is a coincidence that that stress is there. I think that stress is being caused by a creeping realization that the Europeans themselves have not yet fully understood—the realization that the threat of escalation to a nuclear war is becoming less credible. Its credibility is eroding. They have not taken the second step, though, in logic; that if it is eroding, you better address the conventional capability. So I think what the Senator described is a condition of anxiety in Europe that is not going to end with the deployment of intermediate range nuclear missiles but is going to continue year after year. As conventional defense gets less credible, which it is, that kind of anxiety and stress is going to get more prevalent.

So my answer to the Senator's observation, which is valid to the extent it goes, is that the conditions of stress and strain and anxiety and political turmoil that exist in Europe now vis-à-vis the defense issue are going to grow every year; they are going to get more intense in 1985 and more intense in 1986, because those people who are in possession of the facts over there recognize that defense credibility is eroding.

So I say in answer to the Senator's query of when the time will be correct, the time is better this year than it is going to be next year. The time will be better next year than the year after, because every year that goes by, the defense of NATO becomes less credible unless something is done in the conventional area. If we want to do something about that stress, we may have to make the headache worse for a short period of time, until the headache gets so bad that the allies are willing to take some medicine. That is what this body has to consider.

Mr. COHEN. I thank the Senator for his comments. My only concern is that we not only make the headache worse but amputate the head. What I am trying to do is avoid the amputation. Let me just respond to the statements of the Senator because we have for our part contributed to that very anxiety as well during the seventies. So I do not think it is fair to simply say that this movement has grown and there has been a realization that perhaps now the strategic superiority we once enjoyed is now gone; that the theater superiority we once may have had is now gone, that it is equal or at parity. I think that we have also, through our inconsistent actions during the course of the seventies for our own domestic political reasons, contributed to that. So I think we have got to take that into account as we prescribe a remedy as to how we are going to shock them out of the current state of either apathy, indifference, or simple expedience of taking advantage of our commitment.

Mr. NUNN. I agree with the Senator. We have had a lot of changes but for a democracy like ours the last 5 years, the last couple years of the Carter administration and the 3 years of this administration, have been very, very consistent. I do not think we can look forward in the next 20 to having a more consistent 4-, or 5-, or 6-year pattern of strong, strong support for NATO than we have in the last 2 years of Carter and first 3 of Reagan. So I would make a case that now is the better time if you base it on U.S. performance.

I am not sure the next administration is going to be nearly as consistent—whether it is the Reagan administration or Mondale administration, or Hart administration, or other—in terms of NATO dedication and sup-

port and expenditures. I would say if they are, then we are not going to do much about getting our substantial deficits under control.

Mr. COHEN. Let me just add to the comments of the Senator. It is not only whether we have given strong support to the NATO alliance. Also, we must take into account the statements that contributed to the anxieties. Statements about limited nuclear war being fought on the continent of Europe, about firing shots across the bow, about no foreseen movement toward negotiations as far as they were concerned. We have had some contribution to that anxiety, so it is not only a question of do we support the NATO alliance and have we done it for the last years of the Carter administration and first years of the Reagan administration. We have done some things, I think, politically or diplomatically, which have not exactly contributed to a soothing of those anxieties. So I do not think you can just look at it in terms of dollars and cents.

Mr. NUNN. The Senator is correct. I think there have been anxieties created there by some statements that have been inflammatory, statements that have not been well thought out, statements that have not considered sensitivities, not only in those countries but in this country and particularly the one—I cannot quote exactly—where it says, "Nuclear war is in effect not so bad; everybody gets a shovel and digs a hole and puts a board on top and three feet of dirt, and the problems go away." That is not exactly a confidence builder in American leadership. And there are a number of others, so the Senator is entirely correct. I think there have been a number of statements. I used the term, quoting a British parliamentarian, what we have been engaged in in the last few years on both sides is "megaton diplomacy."

Mr. COHEN. I thank the Senator for his comments.

I come back to the point: Is it the right time to put additional pressure upon our allies in order to bring them around to what I believe to be the right, fair, and equitable position, to a greater contribution in the field of conventional weapons? Is it possible? I think it is possible.

It is possible that this threat we propose to write into law will permit them—if I may use a term that the chairman of the Armed Services Committee has used from time to time—to screw up their courage to do what is right, fair, and necessary. But I seriously doubt it. I think we will succeed in doing that which the Soviet Union was unable to do, and that is to weaken and eventually break the alliance.

It may very well be, as I think the Senator from Georgia was at least intimating, that NATO is drifting toward Finland, toward neutrality, no matter what we do. If so, I submit that this action would surely hasten the arrival of that unhappy day. And perhaps we can take comfort in the knowledge that better we know now rather than later.

I submit that it is equally possible that they may no longer be drifting toward neutralism and that perhaps their course is not irreversible and that perhaps, under the leadership of Kohl, and Craxi, and Thatcher, we are seeing new backbone, and realization that they will have to do more in the future.

If that is the case—and I do not categorically say that it is—but if that is the case, do we really want to shove them back when they are starting to walk in the right direction? Is that the way to get cooperation from your allies—give them a big push just as they are starting to walk in our direction? I have a limited understanding of human psychology or even diplomacy, but I do not think that is a very successful strategy to be offering.

Do we tell them, "Shape up faster or we are shipping out"? I use that phrase which has been in the headlines: "Shape up faster. We give you 2 more years or we ship out."

Ship out to where? Ship out to Japan? The Senator from Ohio does not think too much of that. They are not doing much in the way of defense. Ship out to China? We are not too sure about that relationship just yet. How about Canada? How about a North American strategy? The Canadians spend less than 2 percent of their GNP on defense.

Ship out to Nicaragua? Send the troops and take over the Sandinistas? Is that where we are going to ship out to? Ship out to Argentina? Ship out to Saudi Arabia? Wrap our security around the oil fields in the Persian Gulf, oil which we hope we will one day find unnecessary for our economic survival.

The answer is that we do not know where we are shipping out to, but that is no reason not to go.

It reminds me of a scene in "Alice in Wonderland." Alice has a little exchange with a Cheshire cat.

She said to the Cheshire cat, "How do I get from here to there?"

The cat responded, "It all depends on where you want to get to."

Alice said, "I don't much care where."

The Cheshire cat responded, "Then it doesn't matter which way you go."

That is the message, I think, we have to keep in mind: Any road will take us there if we do not know where we are going. We may not like the road we have been traveling for the past 25 or 30 years, but before we take

action to turn on to a different path, I think we should ponder, and ponder very carefully, and I hope we have some understanding of exactly where we intend to go.

So what we may do, if we act today on the amendment of the Senator from Georgia, is to ship out to some imaginary pillar of stability which might turn to salt, or we will ship out and only return to our own shores, back to Fortress America. And thus, the far right in our country will join hands with the far left, which maintains that we no longer should extend American power or influence beyond our own continent.

That is not the intent, the purpose, the design of the amendment of the Senator from Georgia. Before we start shipping out, we had better know where we are going to go and who is going to be there and what kind of alliance we are going to develop.

Or are we pulling back, saying we should pull the troops back home, forget about the Persian Gulf because we are not defending Japan or the NATO countries, let them fend for themselves. That leaves us with China, Mexico, or Canada. It may leave us with the United States of America period.

So, before we say, "Shape up or ship out," we should know exactly where we are going and when we are going to arrive.

Yes, they have tread upon our patience. But shall we now feed fat the ancient grudge we bear them? Is that what we do—feed fat the ancient grudge? I submit that there is precisely what we should not do.

I quote now from former Secretary of Defense Schlesinger. He wants a strong conventional force in Europe, but he also said:

Hectoring will pay few dividends, but it will serve to weaken the alliance.

He concluded:

Therefore, all of our public comments should be carefully gauged according to the realization that the fundamental defense of Western freedom lies in preserving the cohesion of the alliance. I am not one to underestimate the need for strong military forces. If, however, in the (possibly fruitless) quest for such forces, we break up the minimal consensus necessary in the alliance, we will have done ourselves more political damage than we will have achieved military benefit.

Mr. NUNN. Mr. President, will the Senator yield for a question on that point?

Mr. COHEN. I yield.

Mr. NUNN. The Senator quoted the Secretary of Defense, who I think has understood this whole area better than any other Secretary we have had in the last 10 to 15 years, and the Senator has quoted Secretary Schlesinger very accurately.

Interestingly enough, I sent him a copy of this amendment and my speech on Monday and received a tele-

phone call from him, and I think he would be agreeable to my making the following statement.

I do not have a letter from him, but he told me unequivocally that he was very much in favor of this amendment. He thought the time was past due to put the allies to the test. He felt that this was a responsible approach, because it gave a whole year before the alliance would even be measured, let alone any sanctions determined. He would oppose any withdrawal this year or next. He thought it was a well thought out approach, and felt that the test had to be made.

The Senator from Maine quoted Secretary Schlesinger correctly, and I think he does not view this amendment as being in that context. I think it is important for people to recognize that this is not a troop withdrawal. This is an effort to strengthen NATO's conventional capability.

I believe it is also important because the Senator from Maine used the words "This is a big stick," and the Senator from Texas used the term "Let's don't kick our allies in the teeth." It is a strange circumstance that you get to the point where—

Mr. TOWER. Mr. President, will the Senator yield for a correction?

Mr. NUNN. I yield.

Mr. TOWER. I did not say our allies—our friends in European governments who have embraced American policy in the face of a great deal of popular dissent from that policy.

Mr. NUNN. I accept that amendment.

I think it is a strange paradox that we have done so much so long that we consider this kind of approach a big stick or this kind of approach kicking our friends in the teeth, as the Senator from Texas has said, when we are asking them to do no more than what they have pledged to do.

Is it too much to ask your friends and allies to do what they have pledged to do? There is not a single new requirement here. There is not a single thing in this amendment that they have not pledged to do—pledged not once, but twice and three times.

I think it is time, as I mentioned earlier, for us to be able to look our airmen in the face and say to them: "We are going to do what we can to see that you have bases to land on if there is a war in Europe." I think it is time we think about them.

I think it is time for us to think about the 6 divisions of Army troops in this country that in an emergency would be sent to NATO in the first 10 or 15 days. I think it is time for us either to try to do something about the Dunkirk they face there, or else be able to look them in the eye and say, "Fellows, you are going over there and about the time you arrive the allies are going to run out of ammunition."

They are going to run out of ammunition, but we have not wanted to rattle anyone's cage. We did not want to say anything about it because it might make some of our friends nervous. It might make them nervous. But we are going to have 10 divisions of Americans in Europe just as our allies are running out of ammunition.

What kind of friendship is that? What kind of tolerance is that? What kind of tolerance is it when we have approximately 1,500 aircraft, the most sophisticated in the world, that we have spent \$50 billion on, and when they land in Europe only 20 percent of them will have anyplace to get ammunition, and anyplace to get refueling, or anyplace to be maintained and not a single one of them will have shelter? They will be landing in the middle of world war III with no aircraft shelters.

What kind of patience is that? What kind of patience? I do not think the alliance requires that kind of patience on the part of one party.

I thank the Senator for his patience.

Mr. COHEN. Mr. President, let me say when it comes to rattling cages, the Senator from Georgia has already rattled cages. He has, in my judgment, already sent a message to the European alliance, and I think it was Oliver Wendell Holmes, Jr., who said there is nothing quite so exhilarating—perhaps I am not citing the right person—there is nothing quite so exhilarating as having been shot at and missed.

Mr. NUNN. That was Winston Churchill.

Mr. COHEN. Winston Churchill. But he was a fan of Oliver Wendell Holmes then, because Holmes was shot at and hit on several occasions. But he too relished the battle, much as did Winston Churchill, the last of the great leaders, I think, of the free world, at least during this period of time.

By introducing this amendment the Senator from Georgia has shot at the European allies and hopefully he will miss tonight, because I think the message has gotten there and what we should do is what I am suggesting we do. What I have done is really try to incorporate the basic factual statements contained in the amendment of the Senator from Georgia. There is no dispute. There is none. Everything he has said is factually accurate. He may even be right in proposing that we take this action this year in this way. I have my doubts about it and because the consequences are so grave I have suggested that what we should do is to do what we are doing now with the President in dealing with the Soviet Union—that we put the burden on the President to go forward and negotiate with our allies with the same goals in mind, the same reporting requirements, letting the world know of the disenchantment in this body, the frustration, the anxiety that we are

having here, and yet not lock into a mechanical formula that says "You will do this, or else."

I think that that kind of action would actually prove counterproductive. I do not think we should run that risk at this time.

So, in the amendment I have offered, I have taken all of the Senator's language but I have deleted that portion that would set in place the mechanism imposing an automatic reduction. I think the Senator has sent a message. I think the message is heard.

I would respond to the Senator's comments about Mr. Schlesinger that I was going to submit his statement for the RECORD, and I will, because I do think he pointed up the kind of dilemma that this poses and, whether or not he supports the Senator's amendment or not, I think his statement in this particular publication is an invaluable contribution to the debate.

So in a moment I will yield the floor so that Senators standing on their feet may have it.

But I simply urge that we do not run the risk of breaking that board by striking it in the middle at this time.

I think that we really accomplished the goal. The phones are ringing in the capitals of Bonn, Rome, and London, and everywhere throughout Europe. I think they understand that this country is getting fed up with not having them measure up, but I suggest that perhaps the better way to achieve the Senator's goal, which I share, is to allow the President, through the channels of diplomacy, to accomplish that, rather than for us to dictate it.

Mr. NUNN. Mr. President, will the Senator yield for a couple of short friendly questions and no observations at this point?

Mr. COHEN. I yield.

Mr. NUNN. The Senator's substitute, as I understand it, would keep the ceiling that I have put on the forces in my amendment.

Mr. COHEN. That is right.

Mr. NUNN. 326,414.

Mr. COHEN. That is correct.

Mr. NUNN. This means, if the Senator's substitute does pass, that the plans that our Department of Defense has to increase our own forces over the next 3 or 4 years by 35,000 to 40,000 more could not be implemented if the Senator's amendment became law without amendment.

Mr. TOWER. Without coming back.

Mr. NUNN. Is that right?

Mr. COHEN. The way it is worded, the cap placed on U.S. forces at the level requested by the DOD for fiscal year 1985 could not be exceeded unless the Secretary of Defense were able to certify that the goals were met consistent with the section regarding the 3-percent commitment and the increase in munitions.

Mr. NUNN. We will have to take another act in Congress?

Mr. COHEN. Congress would have to take action. We would review that, and we would see strong support to remove it if they did in fact comply.

Mr. NUNN. There is nothing automatic about it? There is nothing automatic about the ceiling being lifted?

Mr. COHEN. We would have to lift the ceiling.

Mr. NUNN. Mr. President, if the Senator will yield for one other question, the two-way street provision in there provides \$50 million for testing of European weapon systems, munitions, and submunitions. Is that in the Senator's substitute?

Mr. COHEN. Yes; it is in there.

Mr. NUNN. And the reporting requirements that measure the defense plan, the so-called NATO DPQ versus our budget, so we can tell how much of our DPQ response is reflected in our own budget and how much is called for?

Mr. COHEN. That is all in there.

Mr. NUNN. And the reporting provision on performance of the allies, is that in there?

Mr. COHEN. All the language is contained.

Mr. NUNN. So we have an annual report of what we are doing in munitions and doing on colocating bases and other measures.

I thank the Senator.

Mr. COHEN. In sum, Mr. President, I believe that this is not the time to enact measures such as those contained in Senator NUNN's amendment. I believe, however, that there may be another way to accomplish the very laudable goals that Senator NUNN has outlined: by retaining much of the text and thrust of his amendment, while deferring—for the present at least—the troop reduction mechanism.

Thus, I have proposed a substitute amendment that among other things, would make clear to our NATO allies that the United States will not increase the number of U.S. military personnel in NATO after fiscal year 1985. In formulating this substitute, I have taken many elements of Senator NUNN's amendment:

Language which states that NATO should improve its conventional defense capability in order to lessen its reliance on the early use of nuclear weapons.

A cap on the number of U.S. troops stationed in NATO at 326,414—the level requested by the Defense Department for fiscal year 1985.

A requirement for an annual report by the Defense Department on the amount of munitions committed to NATO's center region and on the number of aircraft shelters and facilities located at colocated operating bases.

A requirement for an annual report by the Defense Department on U.S. expenditures in support of NATO and

or allied performance in making certain military improvements.

Authority for the Defense Department Director of Test and Evaluation to acquire European-produced defense equipment for side-by-side testing with comparable U.S. equipment.

My substitute amendment would preclude further growth in the number of U.S. troops stationed in NATO after fiscal year 1985 while the Congress assesses the necessity for further action. The reports required by the substitute will enable the Congress to closely monitor the performance of our allies in meeting certain force improvement goals.

Mr. President, the underlying issue at stake here tonight is not whether the allies should do more for the common defense—we all know that they should—but, rather what is the most effective and productive manner in which to elicit greater defense contributions from our allies. I do not profess to have a definitive answer, but I believe my substitute amendment will serve notice to our allies that the Congress is deeply concerned about the burden-sharing problem and will take increasingly stringent action to ensure an equitable arrangement. I urge my colleagues to support the amendment.

Mr. President, I congratulate Senator NUNN on his thoughtful and constructive statement. He has, once again, spurred this body to grapple substantively with a difficult NATO issue. I agree with his objectives and look forward to continued efforts to achieve them.

Mr. President, I ask unanimous consent that a speech by Mr. Schlesinger be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AN AMERICAN PERSPECTIVE

(By James R. Schlesinger)

For some 25 years I have been a NATO buff. During the troubled 1970s I worked long and hard to sustain our involvement in NATO. I mention these credentials at the outset. Everybody ought to make clear his credentials—whether they be professedly pro-American, before a tirade, or pro-NATO, before a disquieting analysis.

The organizers of this conference have achieved some novelty, in that the conference has, indeed, turned out to be different. The difference comes in the breaking of the normal routine—in Chancellor Schmidt's oration of last evening. This is not the first time that the Chancellor has uttered some of his views, but it was the first time to my knowledge that he has gathered all of them together in a single speech of one hour, appropriately titled, I believe, the *Summa Contra Americanos*.

Many of us would have agreed with much of the substance of his remarks. But the tone was plain wrong—especially for American ears and sensibilities. As a consequence, I feel that he significantly detracted from the effect of those substantive comments (for which, incidentally, he has had an enthusiastic American audience) by creating, even in some surprising quarters, sympathy

for both President Carter and President Reagan. If the means employed to effect a change in American opinion and policy is simultaneously to alienate the supporters of Jimmy Carter and Ronald Reagan, one inevitably will have a shrinking audience.

Last night we were informed that above all Marshal Ogarkov and Marshal Ustinov were impressed by the 1.2 million men that West Germany could put in the field. I think indeed that they are impressed by this mobilization capability. They would, however, be far more impressed if those forces were effectively equipped. But however impressed they might be, I still doubt that they will regard West Germany's contingent as decisive. For the Soviets the critical element is and will remain the role of the United States, the other superpower.

So, lest we be too readily swept away, I think it is important to express a few home truths. No less than the intra-alliance trade in weapons, candor also should be a two-way street. Let me deal with these home truths in two areas—first on the issue of the budget and military capabilities, and then on the nature of U.S. foreign policy.

MILITARY SPENDING AND CAPABILITIES

The numbers that I will present now are not symbolic numbers—as in "Soviet foreign policy is roughly 75 percent Russian, 25 percent Communist"; they are real numbers. U.S. defense spending now exceeds 7 percent of the U.S. gross national product (GNP). By contrast, laying aside subsidies to Berlin, support for the border guards, and the like, the share of the German GNP allocated to the Ministry of Defense has shrunk over the decades and is now some 2.5 percent. If the United States allocated to its Department of Defense the same share of GNP that the Federal Republic allocates to its Ministry of Defense, U.S. federal spending would shrink by an amount approaching \$200 billion a year.

I mention that number with a certain low cunning. Some of you will have already discerned that, were we to follow the German example in regard to defense spending, it would virtually eliminate the federal deficit. A decline in U.S. deficits would no doubt bring down interest rates, both real and nominal. However, under this hypothetical situation of such a reduction in defense spending, I do not know whether the capital flow to the United States (which so rightly concerns Chancellor Schmidt) would diminish simply because interest rates had declined, or whether the capital flow would increase because of the more desperate search for a safe haven.

U.S. defense spending this year will exceed \$240 billion. That is a 12-fold the comparable spending by our larger European allies—a little less in the case of the United Kingdom, which rivals the United States with regard to the share of GNP going to the military establishment. Yet, it is almost 15 times German military spending, at the current rate of exchange.

Upon what is all this money being spent? I must now go into a subject once characterized by Helmut Schmidt as the alliance "division of labor." Thus I shall discuss certain burdens that the United States bears alone, or virtually alone, on behalf of the alliance. The United States bears virtually all of the intelligence and reconnaissance costs of this alliance, including space satellites. None of our allies is required to make these expenditures that alone, at the current exchange rate, would equal half of the German defense budget.

Whether or not one agrees with recent American comments regarding maritime strategy, the United States maintains what is known as a "blue water navy." That naval force bears a global responsibility in behalf of this alliance. Sometimes its role may be unwelcome to Europeans, as in the case of Grenada, but clearly it is welcome in establishing a deterrent in the Persian Gulf—from which Western Europe and Japan obtain the energy resources needed to sustain their economies. The United States does this not because it is dependent on the Persian Gulf, but because it alone in the alliance has the necessary mobile forces. Navies do not come cheap. The cost of the U.S. Navy alone is more than four times German defense spending. Since World War II Germany itself has not been required to maintain anything on the order of a blue water navy—only a coastal defense force.

The United States also bears the cost of 97 percent of the total nuclear capabilities of the alliance—the backbone, incidentally, of alliance strategy. In addition to these burdens, it continues its deployments to supplement regional military forces in Korea and in Western Europe, operating 7,000 miles and 3,000 miles respectively from the United States. That deployment, which the United States has sustained for almost 40 years, remains indispensable to the security of Western Europe, because, in this era, the European nations by themselves cannot deter the Warsaw Pact powers—without the stiffening presence of the only superpower available to the Western European democracies, the United States.

To sustain these distant deployments imposes upon the United States special problems of manpower rotation and also serious logistical problems. Both involve additional costs. The United States prepositions both equipment and supplies. Indeed we are now going up to six division-sets prepositioned in Europe. That implies redundancy and extra cost. The United States also must maintain the airlift and seallift capabilities to move its forces, which perforce must operate far from the U.S. shores. In sum, the United States is obliged to sustain a very complex and costly set of military responsibilities and requirements. By contrast, the Federal Republic of Germany has been asked to perform one simple task—to provide a stalwart conventional capability in the heart of Europe. That straightforward task lends itself to economy in resources. I trust that enough has been said to make clear that comparative effort cannot appropriately be measured by manpower contributions on the Central Front of NATO.

Last night there was a good deal of talk that featured manpower comparisons. So let me say this: When the portion of population under arms in the German armed forces reaches the level that the United States achieves under the all-volunteer force, criticism by German leaders of the lack of the draft will seem less captious and rhetorical.

To be sure, I have always been a supporter of the draft. Along with Colonel Alexander Haig, then with the NSC, I helped make in the spring of 1970 the last pitch to the administration not to go over to the all-volunteer force. We were told, firmly, by Richard Nixon, to desist. That battle was lost then. The draft was abolished in the Nixon administration and then subsequently the Selective Service System was unwisely abolished in the Ford administration. (I might say parenthetically that I do not recall any great applause from Bonn for Jimmy Carter

when he attempted to restore the system of registration.) I continue, now as then, to support restoration of the draft. So, incidentally, does Richard Nixon. But the draft is a technical matter only tangentially related to the defense of Europe. It is not an appropriate basis for denigrating the American defense effort.

Regarding the distribution of effort within the alliance, we have regularly indulged in something of a fiction in dealing with Congress, perhaps most notably during the period of the Mansfield amendment—I myself have participated in that fiction. Some on the Hill might even call it a confidence game, but I call it putting the best face on things. We have had a regular refrain: "as SACEUR has pointed out, our NATO allies provide 40 percent of the ships, 50 percent of the aircraft, and 90 percent of the manpower of the alliance." That statement sounded good. It was intended to sound good—and deflect congressional criticism of the European effort. But there were severe problems with it.

First, the statement dealt only with those forces that were earmarked to the principal NATO commanders. It thus excluded the greater part of the U.S. military establishment not formally committed to NATO, but clearly related to the defense of Europe. Much of it has as a priority the reinforcement of NATO.

Second, the statement simply ignores critical differences in complexity and quality. A \$3 billion carrier (if it were earmarked) is the equivalent of a World War II destroyer, one-fortieth its size. Perhaps this is most dramatically indicated with respect to tactical air capabilities. The U.S. Air Force now includes some 26 tactical air wings of high quality, most not formally committed to NATO, but slated for its reinforcement. Bear this in mind when you hear assertions about the Warsaw Pact having air superiority—for such "analyses" ignore quality and involve only the earmarked forces. Even for the earmarked forces alone, the quality of U.S. aircraft over Soviet aircraft is probably best indicated by the performance of U.S.-supplied F-15s and F-16s over Soviet-supplied MiGs—in the 1982 Mideast War—with 102 MiGs downed and zero Israeli losses. (That suggests one should remain skeptical regarding the numbers game sometimes played by NATO intelligence.)

Third, such arguments ignore what the relative defense efforts should be. For example, in relation to GNP, German defense spending has fallen since the days of Konrad Adenauer. The relatively light burden of the German defense effort is sometimes disguised—either by making attacks on the Americans for not having the draft or by pointing out that German defense spending has grown by higher percentages in recent years. Starting from so low a base means that percentage increases do not reveal the national effort involved.

Candor, as I have said, requires a two-way street. The GNP of the Federal Republic of Germany is half that of the Soviet Union. The Soviet Union has the full range of capabilities as does the United States—including a blue water navy, intelligence and reconnaissance, and a massive nuclear capability—even larger in volume and in cost than that of the United States—plus an air defense system. If one lays aside those components of military forces, a nation with a GNP 50 percent that of the Soviet Union should be doing more in providing that stalwart conventional capability in the heart of Europe that is the only military responsibility assigned to the Federal Republic.

If one recalls the narrow range of German capabilities and responsibilities, one is nevertheless surprised to discover that the German defense budget, remembering that its GNP is 50 percent of the Soviet level, is roughly 5 percent of the dollar estimate of Soviet defense spending—5 percent! German production of military equipment—even in that narrower range in which they compete with the Soviets—has been running roughly 8 percent of the Soviet level. There is no reason why German forces themselves, including the reserves, should not now be fully equipped.

Last night we heard about the 1.2 million men that the Germans can put in the field. Fine! They should be equipped. If they are not appropriately equipped, they become part of an equivalent of Mao's People's War. I do not think that People's War is the model that the Federal Republic wishes to follow.

These are, to be sure, not the things I said to the Congress when I was secretary of defense. I state them to you now, because I fear that European irritation with the United States may have led to a lost sense regarding what the respective roles have been and should be. I have singled out the German defense effort—not because it is less effective in producing military forces than other nations, but more effective. I single it out also because of Chancellor Schmidt's comments last night and during his years in office. While high in quality, the German defense remains, nonetheless, surprisingly limited. It is not properly the basis of invidious assertions about the American defense effort.

A European commentator should therefore be careful in talking about relative performance. Since World War II, the United States has willingly taken on responsibility for the protection of Europe because, in the immediate postwar period, there was no one else to do it, and the United States could do it easily, given its vast superiority in nuclear weapons. Now, however, the balance is much closer. There is much work for all to do. If the deterrent is to be made more effective in this era, it will require a much larger European effort. Sniping at the Americans will not solve the problem.

THE AMERICAN STYLE IN FOREIGN POLICY

Let me turn to the other aspect of the American nation that I wanted to discuss—its instincts in foreign policy. We heard last night that it is crucially important for Americans to read the history of Russia. (Though the voice may be that of the former chancellor, the words are those of Egon Bahr.) But if we are all to read the history of one superpower, we should all, I believe, also be prepared to read the history of the other superpower. It might be illuminating.

The American nation is quite different in its underlying assumptions about foreign policy from all of the nations of Europe. In the first place, it has no dynastic past. It shed its dynastic past at the time of the American Revolution. Subsequently it was warned by the "Father of His Country" against "entangling alliances"—reflecting his concern (and experience) that America might be too readily caught in the caldron of ideological, national, and dynastic ambitions that was Europe. Indeed, as we have observed the two European civil wars of this century from our own distant shores, Washington's disdain for Europe's dynastic past and national tensions may not seem wholly without validity.

On the old Continent, reflecting Europe's dynastic past subsequently transformed into modern nationalism, a political calculus developed embracing such concepts as *Realpolitik* or *raison d'état*. This is foreign to the beliefs of the American people—although you will find a smattering of Washington officials, journalists, college professors, and the like, who can talk in terms of European *Realpolitik*. These last are frequently the most welcomed visitors to Europe.

The United States is largely a romantic country. It has encountered little opposition and does not think in terms of moves and countermoves in a never-ending game. It sees no reason that it can't accomplish its presumably formidable objectives. Its history is marked by a belief in Manifest Destiny—abetted by a Puritan past in which the American nation was foreordained to be a Beacon unto the World. In order, therefore, to understand American policy, one should not simply go through a careful calculation of the national interest. However important such a calculation may be to officials of the Department of State, it would acquire little visceral support among the American people.

As a result of that Puritan missionary zeal, political eruptions occur in the United States that are somewhat confusing in Europe. One such example was called Wilsonianism in which the United States stepped forward to make the World Safe for Democracy—a commitment that has not as yet been entirely lived up to. Carterism—especially in its emphasis on human rights—was a later version of Wilsonianism. Whether or not it reflected a grasp of *Realpolitik*, it was close to the fundamental spirit of the country. That can be confirmed by that master politician, Franklin Roosevelt, who very astutely manipulated these underlying beliefs of the American people to achieve what he regarded as the national interest.

The Puritan impulse helps to explain why, as Henry Kissinger mentioned yesterday, there is an American tendency to try to innovate every four years. The Puritan impulse—an atavism if you will—may not be enormously helpful in the formulation of policies designed to achieve the national interest. But no one should fail to understand the large role that it has played in the past and continues to play in the deployment of American forces in Europe. That deployment ultimately is driven more by a sense of mission than by a calculation of the national interest.

I shall give you a small anecdote along these lines. Some years ago, I devoted almost six months achieving what was regarded at the time as unachievable—defeating the Mansfield amendment on the floor of the U.S. Senate. That vote rather surprised the majority leader, who discovered that he had lost only after it was too late.

Some weeks later, as I basked in a new complacency, I got some intelligence from one of my liaison people that the chairman of the Senate Appropriations Committee, John McClellan, was on the warpath. It was reported that he intended to remove our forces from Europe, which the Appropriations Committee can do by the simple act of writing legislation that "no monies appropriated under this Act shall be used to sustain American forces in Europe." I immediately went up to see the old chairman—of whom I was immensely fond. He was then 81 or 82 years of age. He was not a figure likely to be understood by Europeans. He had grown up, a hard-shell Presbyterian, in a small town in Arkansas. Although I had

frequently urged him to come over to NATO, he had never done so. He was one of those Americans that as, Chancellor Schmidt suggested last evening, did not have much experience in Europe. Nonetheless, he had steadily supported spending 2 or 3 percent of the U.S. GNP on the protection of Europe, though he himself had never been there.

McClellan quickly and bluntly got to the point. He indicated that he was tired of the Europeans. I asked him why. He had heard of this fellow De Gaulle who had thrown us out of Paris. I confessed that indeed had happened, though it had occurred some six years earlier. I pressed the case that, whatever the misbehavior of the French, whatever the tenets of De Gaulle's policy, the United States had an obligation to the other peoples of Europe—to Germany above all simply because of our responsibilities that flowed initially from the occupation, and to the Dutch, to the Danes, to the Belgians, to the Norwegians, and to others. The old gentleman responded to that argument. He finally relented and agreed not to press his amendment. Then he said, "You told me you were going over to NATO tomorrow." I responded, "Yes sir"—and once again I encouraged him to come. He said, "Tell them for me: they're just a bunch of damned ingrates."

I did not deliver that message at that time. I cite that experience today because McClellan's attitude is the quintessential American attitude: such things as sympathy or gratitude are more important than reasons of state. American support for Europe does not reflect any precise calculation of the national interest. Otherwise why would we spend 7 percent of GNP to help defend those whose own estimate of the value of their security apparently was only, say, 3 percent of their GNP. Americans support Europe out of a sense of moral obligation.

Europeans are, in the view of Americans, good people; thus, they are deserving of our protection. That protection does not arise out of a sense of Realpolitik. Michel Jobert, one of Jean Francois-Poncet's predecessors, said some years ago, in private, that the Americans have so clear a national interest in remaining in Europe that they must stay here whatever Europeans do. You can abuse them, you can insult them, and, because of the compulsion of that national interest, they must remain.

We have had other examples of Jobert's belief, both antagonistic and benign, but it reflects a fundamental misconception regarding the forces that move the American democracy. In the American democracy, no expert opinion, no government bureaucracy, no East Coast establishment would be able to maintain forces in Europe—unless the American public believes that it is right.

As I suggested earlier, we may be a strange nation given to romanticism in foreign policy, but our missionary zeal has served Western Europe and other countries well since the close of World War II. Some of that zeal, no doubt, is based upon the simple desire to defang the Communists, but much of it is based upon the belief that America has that pressing international obligation.

In the long sweep of American history, if one observes the cycle of American international involvement, it swings suddenly from isolation to overcommitment and then back again. So, in simple terms of European Realpolitik, in terms of a true appreciation of the national interests in Europe, I think that a better understanding of its American

protector is required. It is a vital interest for Europe to keep the Americans committed. That implies understanding American attitudes and motives, not just assuming they are (or should be) the same as those in Europe.

PROBLEMS IN NATO

Let me turn now to some concrete issues facing the alliance. At this conference we have, as usual, talked about whether or not there is a crisis in NATO. That crisis cannot be primarily military for the military balance is not changing that rapidly. It is a real problem in NATO that, from time-to-time, we have the heralding of false crises. To be sure, we have had some real crises in the past—the Skybolt episode, the Suez crisis, and the expulsion of NATO from Paris—but we also have false crises.

The death of nuclear deterrence, announced here in Brussels at a CSIS meeting in 1979, is announced with greater frequency than is the death of God. It is about as relevant. The root issue regarding nuclear deterrence is not whether Europeans can have 100 percent confidence that the Americans will exchange New York for Hamburg, or New York for Paris. If there is a 20 percent chance or a 30 percent probability or a 50 percent probability—something less than 100 percent—what calculations must go on in the minds of the leaders of the Kremlin? Clearly they are not going to move. Nuclear deterrence, though diminished, is alive and well.

Perhaps the crisis is one of too many announced crises. I can recall, from the early days of NATO, an air force colonel who kept on his desk a rubber stamp that said: "In this perilous moment in the history of the alliance. . . ." He used that stamp with great frequency. Although the kind of discontent currently within the alliance is not unique, I believe it to be different—qualitatively different. Today there is a degree of mutual disenchantment. There are a number of reasons for their mutual disenchantment. They have been well stated by the panel on public opinion. Both Elizabeth Noelle-Neumann and John Rieley have provided excellent papers, which go much more to the heart of the alliance problems than does the Pershing missile deployment.

There is the American discovery, a little belated, that for some reason or other—one difficult to discern in the eyes of Americans—Europeans take European security less seriously than Americans have taken European security. The American have been coming over here since the demise of massive retaliation arguing that, if we wish a high-confidence deterrent, it is essential to have a stalwart conventional capability. That has been stated repeatedly by various secretaries of defense. Yet not all that much has happened—even though the ideological resistance to strengthened conventional forces, in the name of preserving nuclear deterrence, has now happily disappeared.

Americans must come to understand that the modesty of the response is not due to Europeans failing to hear the message. Americans keep on proselytizing for strengthened forces—like the American visiting Paris who seems to believe that, if he repeats his message frequently enough in English to the French waiter, ultimately the fellow will understand. Something of that sort has gone on with regard to these issues of European defense. It is not that the Europeans have failed to understand; they have understood quite well both the message and its implications. They differ from the Americans, however, regarding the

nature and gravity of the Soviet threat. (As a matter of fact, I myself believe that the Europeans are probably a bit more accurate in their assessment of the Soviet threat than are the Americans.) Perhaps more important, the Europeans are sufficiently satisfied with a low-confidence deterrent that they do not want to put up significantly more resources to raise the confidence level. Meanwhile, the Americans, misunderstanding the problem, go on preaching the gospel of a high-confidence deterrent.

Increasingly the question of who is bearing the burden is the source of disenchantment in the United States. The resentment applies even more strongly in the case of Japan. The present U.S. recovery is masking a political problem, perhaps most starkly revealed by the U.S. \$100 billion trade deficit. That is scarcely an insignificant sum even by U.S. standards. Somewhere down the road it will, almost inevitably, bounce back on the Japanese. For the American public the simple question is: why should the United States encourage import flows at the expense of U.S. jobs from a nation that is putting up less than 1 percent of its own GNP for defense?

Increasing irritation with our allies occurs far less in the American elites than in the general public. On the political right, this exasperation has led to global unilateralism—whatever in God's name that may mean. It has no logical underpinning; it simply reflects a frustration on the right that U.S. policy must be circumscribed by the attitudes of its allies—a simple fact of life if we will only recognize it. On the political left, this irritation has led to renewed doubts about the military budget—increasing doubts, which are reflected in the Riely paper.

At the same time the Europeans have discovered that the great Sir Galahad of the West has weaknesses that were not discerned during those early days after World War II—weaknesses in a political system that was designed in the eighteenth century and has something called the "separation of powers," which means the dispersion of power. Europeans have discovered that the great protector indeed has feet of clay. This is clearly reflected in the opinion surveys with the decline of European admiration—to put it euphemistically—for the United States. Over the course of the last decade, any visitor from the United States has been amply, if painfully, reminded of that decline.

This new understanding of the defects of the U.S. political system is reinforced by the "outsider syndrome." Since the disenchantment with Washington that came with the Watergate affair, the American people have elected as president men whose principal virtue has been that they have never been contaminated by any experience in foreign policy. Europeans, quite understandably, have been irritated by what appeared to be the erratic weakness of Jimmy Carter, and they have been almost equally irritated by what appeared to be the erratic strength of President Reagan.

This erratic quality, which flows partly from the dispersion of power and partly from the outsider problem, has led to European doubts about U.S. political wisdom—doubts that regrettably have been thoroughly justified. Indeed, they have become increasingly justified as the power of the United States has fallen—for the Free World has become even more dependent upon the wisdom and judiciousness of U.S. policy. In this very period in which we need

wiser and steadier policy, we have become more erratic.

WHAT IS TO BE DONE

This is the background to the present discontent within the alliance. All these issues have been discussed in various panels. The question is: what should we now do? Let me say, picking up a few comments from the panels, that the old formulas won't do. The legitimacy of the postwar dispensation is under challenge. There is a ferment out there. That ferment reflects far more than the gender gap that we discussed this morning. The American people, who began to doubt whether it was necessary to destroy villages in Vietnam in order to save them, has now developed a few inhibitions about an all-out nuclear strategy—when the other fellow can respond. And we cannot, "Star Wars" or otherwise, take away that capability of the Soviets to respond. The Catholic bishops have now weighed in. There is a problem that the youth, particularly in Europe, does not share the old views—referred to rather disparagingly as the problem of the successor generation.

Thus, there is this ferment out there. There is the peace problem. We do not need old answers to new problems.

In addition, Soviet propaganda has become more subtle and effective. No longer is it the old, clumsy apparatchiks dropping in from time-to-time in their blundering way. The new breed is better groomed and more ingratiating. They arrive at the UN or in Western Europe (notably in Germany) and, in contrast to their predecessors, are utterly charming. Soviet propaganda has become more impressive. As we talked about Eastern Europe in one of the panels, somebody quite rightly observed that the West needs differentiation in its policies toward the East—rather than impose uniform punishment on those who have had the misfortune to be victims of Soviet rule.

For at the same time, the Soviet Union is engaged in a reassessment of its own Western policy (Westpolitik) and is differentiating among the Western nations with some care. Most significantly, it has focused a major effort on West Germany, which in Soviet eyes has now undergone a conversion from the West German revanchism of old to a state of potential reasonableness—unlike some others in the Western alliance.

From this follows a very simple conclusion. Given the greater subtlety of Soviet propaganda, preserving alliance cohesion has now become the predominant goal. It is even more important than the deployment of Pershing missiles or whether or not the Europeans really achieve the 3 percent real growth in defense spending to which they have committed themselves. Therefore, all of our public comments should be carefully gauged according to the realization that the fundamental defense of Western freedom lies in preserving the cohesion of the alliance. I am not one to underestimate the need for strong military forces. If, however, in the (possibly fruitless) quest for such forces, we break up the minimal consensus necessary in the alliance, we will have done ourselves more political damage than we will have achieved military benefit.

This points to something that the Reagan administration must accept—indeed all administrations must accept. From time-to-time Americans have been annoyed to discover that, for some reason or other, Europeans do not wish to see the Cold War resumed in the heart of Europe—just because the Russians dispatched military forces into a country—Afghanistan in 1979—that they

had politically taken over a year earlier—or because of conflicts in the Caribbean, Central America, the Horn of Africa or wherever. A gratuitous spillover of Third World struggles into Europe is unacceptable to the Europeans—and Americans simply have to accept this reality.

Europeans, whatever the Americans tell them, are also not going to end their contacts with East Germany or Eastern Europe. Indeed, the ferment in Eastern Europe is one of the new realities we are obliged to take into account. If the United States continues to press Europe that détente must be either indivisible or invisible, the Europeans will shrug off these pressures—and conclude that the Americans are unwise and dangerous. We Americans will have to accept the fact of differential détente—because nobody in Europe is going to accept the premise that, irrespective of what is going on in El Salvador or Nicaragua, the Cold War should be returned here in the heart of Europe. Our ideologues won't like it. Sometimes our realists won't like it. But it is a fact of life within the alliance.

Let me turn back to the issues of arms control and alliance arms policy. Europeans generally believe in arms control more fervently than do most Americans. Nonetheless, to ridicule arms control—as in 1980-1981—whatever the intellectual merits may be, will surely undermine the cohesion of the alliance.

In an era in which the problem is conventional forces, this alliance will not flourish militarily unless the Europeans are prepared to take the lead—including the financial burden. If the Europeans are willing to settle for a low-confidence deterrent, no amount of hectoring from the United States will lead them to spend the vast sums needed to achieve a high-confidence deterrent. Hectoring will pay few dividends, but it will serve to weaken the alliance.

Europeans may be willing to settle for a lower confidence deterrent than the Americans urge upon them, yet it is primarily the Europeans who would have to pay to raise the confidence level in the deterrent. And there is a good deal of vocal support for improving the conventional forces. Many now believe that they have seen the light—and the light is that nuclear warfare is no fun! (No more than did Horatio should we require a ghost come from the grave to tell us that, my Lord!) All have seen the light, and, therefore, there is a good deal of superficial babble about the need to get rid of nuclear deterrence. "No first use" is a rational though pernicious version of that desire.

In my judgment, we should have a full-fledged conventional deterrent. I myself have been making this plea for some 25 years. Yet, over the course of those years, I have lost confidence in the probable success of that plea. Moreover, the economic environment that must sustain such increased defense expenditures has deteriorated with the continuing recession in Europe. And even the political base has to some extent deteriorated. The belief that we are actually going to create a stalwart, all-out, full conventional capability is, I fear, akin to Samuel Johnson's definition of second marriage: the triumph of hope over experience.

CROSS-ATLANTIC SNIPING

These, for better or worse, are the realities. I must say that sniping back and forth across the Atlantic is unlikely to help very much. We have a changed situation. We have new challenges. We should seek to understand them. We should not spend so

much time using each other's weaknesses as a justification for doing less. That is the easy and fatal way out—but more quickly fatal for Western Europe than for the United States.

Yet we have had a good deal of needless sniping. Last night I listened to Helmut Schmidt with some perplexity. For two years during the SALT II negotiations, I fought to keep out of the negotiations the so-called forward-based systems—the American nuclear deployments in Europe. I did it because it was the right policy—but also at the urging of most Europeans. For in that period, the Europeans would go wild at the notion that theater nuclear weapons should be lumped together with strategic weapons. Imagine my amazement last evening to discover the historical anomaly that Jimmy Carter was being chided for not including theater weapons in the SALT II discussions when he took over as president. In short, Jimmy Carter was damned for following the advice steadily offered by Europe for six years.

We have observed similar inconsistencies on economic issues. When one came to the continent some years ago, German bankers were prominent in offering advice. Americans were told quite firmly that they must fight inflation. They must bring to an end this steady rise in the price level. "Think of our experiences of 1923—and beware! You're on a dangerous slope; you must do whatever you can." Yet, when interest rates were put up to fight inflation, we received entirely different advice, which came down to: "the results of fighting inflation are unacceptable to us."

Some years ago, U.S. Treasury Secretary Michael Blumenthal said: "Let the free market work; let the dollar find its own level." He was immediately accused of talking the dollar down, which I take to be an offense. Nonetheless, as the dollar has risen in recent years, we have had numerous attempts to do precisely what Blumenthal was then accused of doing: many attempts, though this time abroad, to talk the dollar down.

There is a problem here of "crying wolf" too often. I realize that the great power in an alliance inevitably will be criticized more than the lesser powers. Yet, this kind of sniping back and forth—and we've had some illustrations here of late—will not help with the long-term goal of sustaining freedom. Sustaining freedom is more important to all of us—including to those of us from Europe—than is the dubious pleasure of scoring points off the American democracy.

Today I have provided, not a summary of the panels, but, instead, an American perspective. With respect to Europe's defense we must follow Europe's lead. Above all, however, all of us—in Europe and North America—must work to avoid divisive issues and to maintain alliance cohesion. The preservation of this alliance of democracies, unique in the world's history, is the fundamental political goal for all of us—for those who value security and for those who value freedom.

Mr. WARNER. Mr. President, I have in hand a speech by U.S. Ambassador to NATO, David Abshire, given to the Southern Council on International Affairs in Atlanta, GA, May 4, 1984. This speech analyzes the NATO commitment in historical light of two tragic world wars where 65 million lives were lost. As my colleagues may know, Dr.

Abshire was the former head of the Center for Strategic and International Studies at Georgetown University and did his doctorate in history. The speech discusses in detail the tragedy of two world wars resulting from uncertain and unclear commitments. An alliance like NATO could have prevented those two wars.

I realize the good intentions of the Nunn amendment. But with its timing, it could send a message to the leaders and people of Western Europe and of the Warsaw Pact that there is wavering in the U.S. commitment to the defense of Western Europe. Senator NUNN does not intend this. The amendment is, however, long and complicated. Perceptions and realities are two different things. The headlines abroad in the Times of London, of last Sunday, and elsewhere have already centered on U.S. troop withdrawals and not on the purpose of the Nunn amendment, namely, the need to improve conventional defense by NATO.

Lord Carrington will arrive next Monday, June 25, as Secretary General of NATO. With Ambassador Abshire, the new Assistant Secretary General for Defense Support, Robin Beard, and with Gen. Bernard Rogers as an outspoken, effective Supreme Allied Commander, Europe, we have strong leadership in place. Some new beginnings are being made. Furthermore, Europe is coming out of its economic recession. Now is not the time for an amendment that is being interpreted in Europe as calling for dramatic American troop withdrawals.

Mr. President, let's keep our commitment clear and unambiguous, and learn from the lessons of history. I ask unanimous consent that the entire text of Ambassador Abshire's speech given in Atlanta, GA, be placed in the RECORD following my remarks. I have been in communication with Ambassador Abshire on this amendment and he stresses these points.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY AMBASSADOR DAVID ABSHIRE, U.S. PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION [NATO], TO THE SOUTHERN CENTER FOR INTERNATIONAL AFFAIRS
THE AMERICAN COMMITMENT TO THE NORTH ATLANTIC ALLIANCE

The focus of my remarks this afternoon is the American commitment to the North Atlantic alliance.

American attitudes about wanting to be left to themselves began to change around the turn of this century. But the change focused on Pacific, not Atlantic, involvement. We took control of the Philippines, annexed Hawaii, and developed deep involvements with China and Japan.

What changed this attitude? The answers lie in the tragedies of World War I and World War II and the horror of more than 65 million casualties.

As Dean Acheson said, NATO was "not an improvisation. It was born out of the facts

and lessons of history." The founders of the alliance—men of great wisdom—were determined to avoid these mistakes of the past. Precisely because ambiguity and miscalculation were the catalysts of two disasters, NATO's founders made an unambiguous commitment the centerpiece of the North Atlantic Treaty. Article V states that an attack against one member would be taken as an attack against all. There is no room for misperceiving the meaning of that promise.

If the United States couldn't stay out of war by staying out of Europe, it would deter war by being in Europe from the beginning.

Dean Acheson collaborated closely with Republican Senator Arthur Vandenberg on the bipartisan congressional resolution of June 11, 1948, that paved the way for the creation of NATO. Our commitment to Europe in the North Atlantic Treaty of 1949 was based on our belief that by being in Europe we could prevent World War III.

From this perspective, the U.S. presence in and commitment to Europe has little to do with trade balances with, and investment in Europe versus the Pacific. It relates to "no World War II," and "no, no never, a nuclear war between the East and West," and no possible situation of blackmail with the threat of war.

Thus this new alliance was different from those alliances which George Washington loathed. Most alliances in history were offensive in nature, aimed at expansion and conquest. This one was defensive, designed to prevent war, especially nuclear war.

Almost all alliances in history were between non-democratic countries. NATO was to be an alliance of democracies.

Most alliances in history had no common ideals. NATO affirmed its shared faith in the principles of the United Nations; aimed at the peaceful resolution of disputes, safeguarding the freedom, common heritage and civilization of its peoples and the principles of democracy, individual liberty and the rule of law.

Most alliances were pacts or loose coalitions of countries with uncertain commitments and secret agreements. This alliance set up a North Atlantic Council with subordinate bodies, committees and military commands, with public commitments and open agreements. NATO moved from a pact to an institution with a sound structure that could adapt to a changing world.

Truly the Atlantic Alliance is without parallel in human history. But it had better be, because never before in human history have we had the nuclear risk endangering mankind.

This alliance has survived tremendous internal crises. The Suez crisis of 1956, the French withdrawal from the integrated military command (but not the alliance), and the dilemma of deterrence and defense involving nuclear weapons. I want to devote some attention to this last issue for it indeed manifests the difficulty and the complexity of the United States' commitment to Europe.

THE DILEMMAS OF NUCLEAR WEAPONS

There are two basic nuclear dilemmas for NATO, one strategic and one moral. Both relate critically to the U.S. commitment. Let me discuss first the strategic dilemma.

Two facts stand out about the historic uniqueness of NATO's nuclear strategy. First, such a strategy was designated to prevent rather than fight a war. NATO's strategy is first and last a deterrent strategy.

Second, the failure of deterrence could lead to destruction and devastation on a

scale previously unknown. Thus it is doubly important that an adversary not miscalculate and that the NATO commitment be clear, credible and unambiguous.

AN EVOLVING STRATEGY

In the early 1950s, with the massive Soviet armies threatening and even stronger than they were in 1945, an economically troubled Europe backed away from the costly effort of providing conventional forces as the major component of its deterrent. Rather, it embraced the massive retaliation nuclear doctrine. As the 1950s came to a close and Soviet nuclear capabilities increased, the contradictions inherent in this policy for lesser forms of aggression became impossible to ignore. Therefore, in the early 1960s the United States began to talk about flexible response.

Not everyone agreed, and the debate raged for five years. Finally, in 1967 the alliance adopted flexible response as official NATO strategy.

Flexible response was designed to provide not just one category of alliance response to aggression—a strategic nuclear one—but a range of possible reactions to suit the challenge, including conventional options and theater nuclear options, as well as possible strategic nuclear responses.

This strategy never caused much controversy so long as NATO retained an advantage in theater nuclear weapons in Europe and an advantage in strategic capabilities. Control of escalation was almost a guarantee that deterrence would not fail.

By the late 1970s, the massive Soviet buildup of both its conventional and nuclear capabilities meant that NATO no longer necessarily would control escalation.

NUCLEAR WEAPONS AND ALLIANCE MANAGEMENT

The Soviet buildup also made the management of the alliance more difficult as a result of NATO's lengthy and heavy dependence on the U.S. nuclear guarantee. Just as the U.S. nuclear umbrella shielded Europe from Soviet aggression, it has unintentionally, shielded NATO governments from making some of the hard decisions necessary to improve NATO's conventional capabilities and thus lower the nuclear risk.

A gap developed between the theory of flexible response, which remained adequate, and the practical capabilities to implement it. The critics poured into that gap. In 1977, then West German Chancellor Helmut Schmidt asked for U.S. theater nuclear deployments in view of a buildup of SS-20 intermediate-range nuclear missiles in Europe. The Soviets could use these missiles to blackmail, to discredit the U.S. commitment, and to separate the defense of Europe from the defense of North America. In 1979 Henry Kissinger said in Brussels that mere expression of the U.S. commitment by the U.S. President was inadequate for defense. To make the American commitment practical, concrete measures should be taken to shore up the theater nuclear and conventional dimensions of NATO.

Later in 1979 NATO made its historic decision to deploy Cruise and Pershing II missiles to insure that an attack on Europe in effect would be an attack on America as well. There would be a duel track, however: We would also try to negotiate the removal of all intermediate nuclear missiles.

It is most important to improve conventional defense because we must never be forced to contemplate the prospect of too early use of nuclear weapons.

NATO is now working to correct these conventional deficiencies, to lower the nu-

clear risk, and to insure that the U.S. commitment has a practical way of being carried out.

The alliance is doing this by exploiting new technologies—smart weapons—some of which can substitute for nuclear ones, providing NATO's forces with more training, increasing stocks of munitions and supplies, improving communications, and developing appropriate doctrines and tactics.

All of these measures are being taken to keep our strategy of flexible response vibrant and effective.

Another important part of the deterrent is the capacity in a crisis for North America to reinforce Europe. This depends not just on our forces, but on the infrastructure in Europe to receive those forces. Thus Western Europe and North America must cooperate to make possible the American commitment. As a famous American basketball coach said, the will to prepare to act is as essential as the will to act.

THE MORAL PROBLEM

Second, I mention as a part of the American commitment the moral and ethical dilemma of nuclear weapons. Ethics and nuclear war is one of the most vibrant public policy issues in our churches today. Last fall I spoke at a conference on "NATO at the Moral Crossroads" at a large meeting at the Protestant Academy in Hanover, West Germany. I share President Reagan's wish that there were no nuclear weapons in the world today. This not being the case, we are left with the moral and political questions of dealing with them and reducing the nuclear risk.

In an imperfect world, faced with the fact of nuclear weapons, the Soviet buildup and the possibility of nuclear intimidation, we have a moral responsibility to see that flexible response is truly workable, and deters. We also have a moral responsibility to keep NATO unified in order to foster negotiations for genuine and verifiable arms reduction and stability.

There is another aspect of the moral dimension of the U.S. commitment to NATO. As the ancient Hebrew word, *shalom*, reminds us, peace is more than the absence of war. It involves the total well-being of man, his dignity, and indeed the dignity of all mankind.

An example of NATO's contribution in this area can be found in the Conference on European Security and Cooperation. There the NATO members have worked tirelessly, and effectively, to follow up on the Helsinki accords regarding basic human rights, the Soviets and Warsaw Pact countries continue to violate these rights, paying only lip service to these new standards.

We have moved to the moral offensive. And we have made progress. The Stockholm Conference on confidence and security in Europe aims at increased openness in military movements to avoid surprise attack and miscalculation. NATO nations have tabled a good package of concrete proposals for consideration. We have taken the moral high ground, ultimately not just to benefit ourselves but the peoples of Eastern Europe as well. I stress this, for the American commitment is a moral one with legitimacy and principle.

THE ECONOMIC PROBLEM

The will and the capability to carry out the U.S. commitment depend in this difficult nuclear age on action both by Europe and America. Effective action, however, confronts a difficult problem: the economic aspect of the alliance.

NATO's funding fathers recognized that potential economic conflict within this alliance could cause untold harm. In those days of the Marshall plan we were the economic suppliers of a war-torn Europe. Today we are competitors with a rebuilt Europe. But Europe's infrastructure is out of date and Europe is falling behind the United States and Japan in its economic recovery. Europe is missing out on part of the technological revolution. Western Europe remains divided. The dreams of Jean Monnet have never come to pass.

This division confuses some Americans. Our European allies collectively have a GNP, but not a defense effort, as great as ours. All this gave rise to the Newsweek article on "The Decline of Europe" and an earlier book by Italian Luigi Barzini, "The Europeans," in which he compares contemporary Europe to a group of renaissance Italian city states.

Against this background, a unified NATO works. It is a great success story in a continent of trouble.

Furthermore, western Europe is not sunk in despair. It is courageously facing its economic problems, moving to austerity budgets, exploring new ways to strengthen NATO's European pillar and to stimulate an economic revival. Not just conservative governments like Margaret Thatcher's, but socialist government led by Mitterrand of France, Gonzalez of Spain, and Soares of Portugal have moved forward on the problems of structure and labor reform.

Following the wisdom of article II of the NATO Treaty, it is essential that we encourage this revival of western Europe, that all of us eschew protectionism, and that we devise ways for the better total use of our resources. In my speech to the Atlantic Treaty Association, I called this the need for "a resources strategy" in the area of common defense.

Third, in addition to the more traditional pattern of alliance consultation on such issues as INF or Poland, NATO is also giving increasing attention to global problems of common concern. It was within NATO that the West developed its common response to the Soviet invasion of Afghanistan. We frequently discuss events taking place in and around the Persian Gulf. When the Soviets shot down a Korean airliner on the other side of the world, the West coordinated its response at NATO headquarters.

My point is that NATO's problems must be resolved and our differences bridged in a way that sustains the cohesion of the alliance, not by resort to shock tactics or expressions of pique. If that cohesion is not maintained, we will be back to the 1930's. Unlike the 1930's, however, the risk would be a worldwide war and a devastating nuclear war.

Plainly the Atlantic Alliance remains central to America's national security.

But not only ours. Japan, too, has maximum interest in reducing the nuclear risk, which is done in such large part through NATO.

From the very beginning of the post-war era, there has been an interrelationship between Asia and Europe because deterrence of the Soviet Union is global requirement. President Truman's Secretary of State made a speech in 1950 that did not include South Korea in our defense perimeter. Yet when Communist North Korea suddenly attacked the South, Truman and Acheson feared that our lack of response might encourage a Soviet move on West Berlin, in Western Europe.

Today the dynamics of deterrence operate both regionally and globally. NATO Europe remains greatly dependent for much of its oil on the Middle East. Over 50 percent of the reinforcement and resupply of NATO Europe in a major crisis would come through the Caribbean. Prevention of Communist hegemony or radicalization in either of these areas is clearly important to NATO's future.

Likewise a pro-Western Japan, a China unaligned with the Soviets, and a strong U.S. Pacific Fleet are all major elements in the deterrence of war. In sum, as the 1983 Williamsburg Summit Communiqué stated: "The Security of our countries is indivisible and must be approached on a global basis."

We will soon have a change of leadership at NATO. Secretary General Joseph Luns has served with magnificent dedication since 1970. He pulled the alliance through the ups and downs of detente and the critical two-track decision that, on the one hand, through deployment, made it possible for the U.S. commitment to be exercised, and, on the other, offered negotiation with the Soviets to eliminate all such missiles.

His successor, Lord Peter Carrington, comes with new challenges; the economic problems faced by alliance members, the need to develop a strategy for better use of resources, better use of new technologies, better harmony and balance in transatlantic and transeuropean arms cooperation. In short, how to improve the conventional deterrence and thus raise the nuclear threshold and shove it way back.

Finally there is the task Carrington addressed in his IISS lecture: Developing an overall political strategy for NATO. This has already started. In December 1983, acting on the initiative of Belgian Foreign Minister Tindemans, NATO Foreign Ministers commissioned an "appraisal of East-West relations with a view to achieving a more constructive East-West dialogue."

Completion of this study, reviewing the vicissitudes of East-West Developments since the Harmel Report in 1967, is NATO's major objective this spring. Indeed, our highest political priority is strengthening overall alliance management of East-West relations. The president and Secretary Shultz have called upon the allies to bring a greater measure or realism into the pursuit of relations with the East than had generally been the case in the heyday of detente. Our efforts in this direction build upon and complement the endeavor we undertook in 1983 to adjust East-West economic so as to safeguard long-term Western security interests.

President Reagan seeks a constructive relationship with the Soviet Union, not the ups and downs of false detente. Such a relationship must be based on realism over time.

The tasks are great, but NATO is ready for them. It has the structure and strategy, the programs and potential to meet the challenges ahead.

The Atlantic Alliance is above all an idea. It is fired by our vision of a world sharing the benefits that flow from the values that all NATO members believe in—especially peace with freedom and justice. That idea remains the core of the transatlantic relationship. Ideas can unite people and cross borders. If we hold high the idea that NATO embodies, it will enjoy at least another 35 years as the greatest peace movement the world has ever known. Were George Washington living today, I truly believe he would say: This is indeed, without

precedent in human history, the good and grand alliance.

Mr. THURMOND. Mr. President, I would like to voice my opposition to the amendment offered by the distinguished Senator from Georgia. Senator NUNN has done a great deal of work and research in the area of strengthening NATO conventional forces, and he has the respect and admiration of all our colleagues for his efforts. I do not, however, believe that his amendment is the best way to strengthen NATO conventional war fighting capability.

It is true that our NATO allies, on the average, are not meeting the 1977 agreed upon 3 percent real growth in annual defense spending. This recent trend, however, must be viewed in a broader context. From 1971 to 1981 the United States experienced about 7 percent negative real growth in defense spending. During the same period our NATO allies increased their defense spending by about 27 percent in real terms. While our NATO allies maintained a consistent effort to modernize their conventional war fighting capability, the United States did not. Our allies did not treat us in the manner now recommended by the distinguished Senator from Georgia; and I do not believe that we should treat them in such a manner when they are experiencing a period of political and economic difficulty.

Much has been said about our NATO allies not maintaining stocks of conventional ammunition equal to, or nearly equal to, those maintained by the United States in Europe. It is only fair to examine our record in this area also. During the October war of 1973, the United States transferred large quantities of conventional ammunition stockpiled in Europe to Israel. Our actions at that time most certainly weakened the NATO conventional war-fighting capability, and it was not until recent years that we began to adequately replace these stockpiles of conventional ammunition.

Mr. President, I very strongly support the idea that we must strengthen our conventional capabilities in NATO, but I do not believe that the Nunn amendment will help reach that objective. The amendment offered by my distinguished colleague from Maine, Senator COHEN, is a much more reasonable approach in dealing with our allies.

Freezing U.S. troop strengths at current levels will serve sufficient notice to our NATO allies that the Congress is very concerned about the failure of NATO countries, other than the United States, in meeting agreed upon goals for defense spending. Senator COHEN's amendment also provides a positive incentive for our allies in that the United States can increase troop strength levels if our allies meet

agreed upon levels of defense spending.

Mr. President, again I must state that I strongly endorse the idea of an enhanced conventional war-fighting capability. We must, however, choose one of two approaches. The first, which I oppose, will force a weakened conventional defense posture if certain criteria are not met. The second approach sends a strong signal that we may choose not to further strengthen our conventional forces, if certain criteria are not met. The choice is ours; automatically weaken NATO conventional forces, and increase the risk of early resort to nuclear weapons in a conflict, or automatically maintain current levels, with a built in mechanism to increase the strength of conventional forces.

Mr. President, I urge my colleagues to support my distinguished friend from Maine, Senator COHEN, because it is unwise to intentionally endanger the security of the Alliance to prove a point.

Mr. MATTINGLY. Mr. President, I commend Senators NUNN, COHEN, and ROTH for their amendments. I believe that they have captured the tone of the times with their proposals and that the NATO alliance can only benefit from the type of wide ranging discussion in which we are engaged on the nature of the allied relationship and the direction and form that the Atlantic alliance should take in the future.

And let there be no misunderstanding about my belief that the interests of the United States will be well served by a continued allied relationship with the nations of Western Europe.

But a belief in the need for such a continued relationship does not and should not be allowed to prevent an honest and exhaustive assessment of the current state of the NATO structure nor should it mitigate against making whatever changes are required to insure a healthy relationship between NATO members in the future.

My distinguished colleagues on both sides of this debate have eloquently cited the wide body of opinion that shares a belief in the need for structural changes in the NATO alliance. In my view, that alliance must change, adapt and grow or face certain death.

Any fair assessment of the allied relationship cannot ignore the common heritage of Western Europe and America. It cannot ignore our shared democratic principles; the mutual and interdependent commercial, industrial, technological and social ties that bind.

That assessment must include a recognition of the reality that the defense of the West has been, is and must remain indivisible.

And that assessment must recognize and understand the nature of the

common threat that faces the democratic west.

But the simple fact of the matter is, Mr. President, that the NATO alliance needs to undergo some reforms. It needs to recognize today's realities and it needs to move away from a structure that was formed amid the ruins of postwar Europe. It needs to move forward on a course that has the European nations assuming a greater responsibility for the conventional defense of Europe and gaining, as a result of assuming this increased burden, an enhanced position of leadership within the alliance. The United States must be prepared to accept the fact that with its diminished role will come a reduction in its current decisionmaking authority.

That is as it should be. And that is why I will support the Nunn-Roth amendment as modified by the Cohen amendment.

It is clear to me, Mr. President, that the genesis of the so-called strain within the alliance is the refusal or inability to recognize that, because the world in which the alliance was formed 30 years ago has changed, it is necessary to conform the allied relationship to the times. Thus, we are faced with a continual and impossible struggle to somehow mold, craft, and otherwise paste, patch, and fit a 30-year-old structure into today's political environment.

It is natural and not unexpected that the necessary changes are being challenged and fought. It would be surprising if, in fact, that were not so. But that is why the modified amendment of the Senator from Georgia is so valuable. The amendment is hard but not really harsh. Its direction is clear, its intent plain. And without such an amendment, Mr. President, the changes that are necessary to save the alliance will not occur. They simply will not occur.

Using the diplomatic channels of the State Department to persuade our NATO allies to meet the NATO defense spending goal of 3 percent real growth will not be successful. They have not been successful to date and I see no reason to expect sudden success in the future. Resistance to change is universal and without some sort of specific direction from Congress, resistance to changes within NATO will probably continue to be successful.

Some aspects of the amendment trouble me. As a general rule I have found that legislated demands and directives to the foreign ministries of our allies do not bring the desired results. However, under the terms of the modified amendment, we are merely insisting that those allies live up to previously negotiated agreements. The amendment does not make new demands on the allies.

I was greatly concerned that the troop withdrawal provisions of the original Nunn amendment could be interpreted as presaging a move by America into isolationism. That is why I concluded that the Cohen proposal deleting the troop withdrawal provisions, deserved support. To state the obvious, it is a fact of legislative life that those provisions can resurface, if necessary, in the future.

So, Mr. President, I view the amendment as an opportunity to take a challenging, an exciting first step toward a revitalized NATO alliance; an alliance characterized by a strengthened European component, an enhanced allied conventional defense capability, and a raised nuclear threshold.

The United States can't be expected to continue to shoulder the lion's share of NATO's financial burdens and at the same time watch our NATO allies become ever more entangled in economic relationships with the Soviet Union. The American taxpayer cannot be expected to support the alliance at current levels only to see our European allies subsidize their exports with an enormous resultant cost to those same taxpayers. And we in the Congress are kidding ourselves if we believe that the problems in NATO can be remedied with anything less than fair but firm initiatives such as the proposal before us.

Mr. President, I ask unanimous consent that an article by Hedley Bull entitled "European Self-Reliance and the Reform of NATO" appear in the *RECORD* at this point. The article, which appeared in the spring 1983 edition of *Foreign Affairs* is an outstanding, scholarly look at the NATO alliance and contains what I believe to be a workable blueprint for the structural changes necessary to insure the survival and effectiveness of that critical allied relationship.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

EUROPEAN SELF-RELIANCE AND THE REFORM OF NATO

The security of Western Europe requires us to explore a radically new line of policy to which, in the present debate about this subject, little attention has so far been paid.¹

In this debate, two points of view are predominant. On the one hand, entrenched in government circles, there are the Atlanticists, who seek to recall us to the old verities of the Alliance: preservation of the existing structure of NATO, support for American efforts to maintain the nuclear balance, maintenance of a strong defense posture toward the East. On the other hand, acting as a powerful influence in public opinion, at least in all the northern European countries belonging to NATO, there are the Neutralists, who favor total or partial withdrawal from the Alliance, unilateral nuclear disarmament and expulsion of foreign nuclear bases, and, in some cases, reduction of conventional defense expenditure. We need, I believe, to examine a third alternative that would recognize the necessity for a more independent posture for Western Europe, but seek to base this on strength rather than on weakness. I call this a Europeanist alternative. It does not imply the break-up of NATO, but it does require its reform: the transfer from North American to European hands of a greater share of the burden of European defense, and along with it of a greater share of responsibility for decisions. In what follows I seek to show why this new policy should be pursued, what it would involve and how one might grapple with the difficulties to which it would lead, which I do not wish to disguise.

II

There are three reasons why the countries of Western Europe should explore a Europeanist approach to their security. First, the old formulas of North Atlantic unity do not adequately recognize the differences of interest, both real and perceived, that divide the United States from its European partners. There are differences over trade, made more urgent by the recession and more visible by the fact that the European Community negotiates as one bloc. There are differences over "values," which are often said to unite the Alliance, yet the moral attitudes of the present U.S. Administration toward questions of peace and social justice have contributed heavily to the alienation of West European opinion from the Alliance. There are differences arising over the commitment of the United States to a global struggle with the Soviet Union for power and influence. It is a European interest as well as an American one that in this struggle the United States should ensure that the Soviet Union does not establish military supremacy over the world as a whole, but Europe's interests in the struggle are not the same as America's: Western Europe has no particular interest, for example, in the restoration of the kind of U.S. predominance in the world as a whole that existed from the late 1940s to the early 1960s, which some elements in American society seek to rebuild for reasons of national pride or nostalgia, or misplaced ideological zeal. There are differences in attitudes toward political and economic change in the Third World, which the United States at present is inclined to resist and to equate with Soviet penetration, but to which West European countries, in their policies toward the Arab world, black Africa and Latin America (admittedly with some exceptions), have been more ready to accommodate in recent years.

More important than any of the above, for they touch the core of NATO itself, there are differences over the security of Western Europe. The basic common interest that underlies the Atlantic Alliance is that which all the members perceive in providing Western Europe with security and—no less important—a conviction of its security, against the threat of Soviet attack. This common interest is still present, and is still recognized to exist by all governments and predominant public opinion in all the countries concerned on both sides of the Atlantic. But, in Western Europe, security against threats from the East is believed (correctly) to rest not only on the defensive strength of the West but also on preservation of the structure of agreements with the Soviet Union that political coexistence, normalization of frontiers and economic cooperation to which we give the name *détente* in the

United States, on the other hand, *détente* has been treated as subordinate to the widening needs of the global struggle with the Soviet Union. In Western Europe, moreover, the security of the region is perceived to be threatened, and is in fact threatened, not only by the military power of the Soviet Union but also by the possibility of war itself, especially of nuclear war, which could begin not only as the result of failure to deter the Soviet Union, but also through accident or miscalculation, or as the consequence of decisions taken by the United States.

It is true that the security of the United States also rests on a structure of understandings with the Soviet Union, even if the declaratory positions of the United States in recent years have tended to obscure this. The United States also faces a danger of war by accident or miscalculation and has a vital need for the control of nuclear armaments, as the American peace movement proclaims. But the United States is not as vulnerable to the effects of decisions on matters of nuclear peace and war taken by the West European countries as the latter are to the effects of decisions taken in Washington: it is the West European countries which are dependent on the United States for a nuclear deterrent against a Soviet attack, and it is on their soil that American nuclear weapons are deployed that can bring destruction upon them but whose use they are not able to control.

Differences of interest among their members should not be regarded as fatal to alliances, which never rest upon a complete identity of interests and only require a partial one. NATO has survived the differences that arose over German rearmament and over the Suez war in the 1950s, over Gaullism and the Vietnam War in the 1960s, and the oil crisis and the October War in the 1970s. It did so, however, by adapting to change. Underlying the peace movement in the West European countries and the wider spectrum of opinion that is uneasy about our present defense arrangements, there is the correct perception that the risks of alliance with the United States on present terms have grown to such an extent that they threaten to outweigh the gains. This points to the conclusion that the West European countries should seek to assume greater control of their own security, not by leaving the Atlantic Alliance but at least by seeking to change its structure.

Second, the policies advocated by the Neutralists, while they are based partly on a correct perception of the differences of interest between the United States and Western Europe, would expose the latter to Soviet domination. We do not have to suppose that the Soviet Union has some plan to invade Western Europe or to subvert its political system; the evidence suggests that Moscow's chief preoccupations in Europe are defensive, and that if it has any hope of extending its ascendancy in Eastern Europe to the West, policies to realize them are not given a high priority. But these Soviet intentions have been formed in a strategic context in which the defensive measures taken by the Western powers render aggressive plans in any case unrealizable. If the West's defensive guard were to be lowered, Soviet intentions would be likely to change; options not now taken seriously by the Soviet leadership would be likely to be taken more seriously, and, if they were not, a new leadership, prepared to adopt these options, would displace them.

¹ But see Bernard Burrows and Geoffrey Edwards, "The Defence of Western Europe," Guildford (Eng.): Butterworth Scientific, 1982.

If the West European countries were to choose to loosen their connections with the United States but at the same time to leave themselves without nuclear arms of their own, to allow their conventional defenses to run down and to take no steps to bind themselves together in a defense combination in which they could define their common interests and pool their resources, the likely consequence would be that Soviet hegemony would extend itself over the whole of Europe, even if not totally or at once. The security of Western Europe still requires that there should be a balance of military power on the European continent. If Western Europe is to disengage from the United States and rely upon it less in matters of defense, then it must seek to maintain the balance against the Soviet Union in Europe from its own resources.

A third reason why Western Europe should explore this new course relates to what may be called its dignity. The countries of Western Europe form one of the principal centers of population, wealth and human skills in the world today, and have a historical position that has placed them for centuries at the forefront of world affairs. There is no objective or material reason why Western Europe cannot provide the resources for its own security without depending on others; the reasons why it has failed to do so are not material but spiritual or psychological. It may be honorable for small and weak nations to look to outside powers to provide their security for them, as it was for the battered and impoverished European nations that looked to the United States when the Atlantic Alliance was formed in 1949. But it is demeaning that the rich and prosperous democracies of Western Europe in the 1980s (admittedly, to different degrees in different cases) should fail to provide the resources for their own security and prefer to live as parasites on a transatlantic protector increasingly restless in the role.

A policy of increased expenditures on armaments would impose a cost upon European standards of living. It would be unpopular with those elements in our societies that regard defense expenditure as mere waste and tell us that the money should be spent on building hospitals or aiding the Third World, forgetting that security is the first responsibility of every society and that societies which do not allocate an adequate proportion of their resources to providing for it do not survive. The effects of defense spending on industry and technology may be more harmful than beneficial, although this is not clear. But the cultivation of greater self-reliance in providing for the security of Western Europe might help to stimulate a process of renewal. It would certainly restore our self-respect. It would, I believe, by separating the issue of national and European defense from the issue of support for U.S. policies, help to make possible a rebuilding of the public consensus for defense policies, as has been done in France. It might bring about a more responsible climate of public debate about defense issues in place of the facile posturing and humbug about disarmament that constitute the sum total of what some of our political leaders have to say to us about our security. And it might clear away the sometimes shallow and uninformed criticism of American policies that thrives in Western Europe because so few people have needed to confront the problems of security in the nuclear age as they really are, and to think the issues through. I believe finally that it is only by

confronting directly the problems of their security (and not, as the organs of the European Economic Community have done, seeking to steer clear of them) that the European nations can make progress toward realizing the idea of their unity.

III

The countries of Western Europe are superior to the Soviet Union in population, wealth, technology and military potential, and the idea that Russia is the naturally dominant power in Europe, against which Europe itself can construct no counterbalance without importing outside help, is a very recent one. It should not be regarded as an axiom left unquestioned during the next three or four decades of European politics, as it has been in the last. It remains unassailable only if we assume that the Soviet Union will retain its internal cohesion, that West Germany will remain militarily emasculated, that Western Europe is without any effective form of political and strategic unity and that its peoples remain unwilling to shoulder larger defense burdens. It is not unthinkable that a West European defense combination might one day have strength enough to balance the Soviet Union without bringing the United States directly into the equation.

But no serious student of these matters can imagine that such a goal is realizable now, or even that it can command sufficient support in Western Europe to be adopted now as a long-term goal. The physical presence of American troops in Western Europe and the deterrent effect of its strategic nuclear forces will remain necessary ingredients in Western Europe's security, and in its sense of security, for many years to come. Any steps toward making Western Europe more self-sufficient in military terms should be taken in such a way as not to jeopardize America's commitment to maintain them. What I do contend is that within the context of NATO, Britain and its West European allies should seek to develop a distinct European strategic pillar of the Alliance that will reduce the old dependence on the United States without creating a new dependence on the Soviet Union, and sustain the distinct interests and objectives of which West European countries are increasingly conscious in world affairs.

In relation to a number of major issues in world politics (world trade; detente in Europe; the conferences on European Security and Cooperation; policy toward the Middle East; policy toward black Africa) the countries of Western Europe, or at least (thanks largely to the process of coordination of foreign policies known as European Political Cooperation) those of them that are members of the European Community, now adopt substantially similar positions. It is not unrealistic to speak of the existence of a European foreign policy line, or even of the emergence of a diplomatic concert of West European states.

This emerging diplomatic concert, however, does not embrace matters of defense and security. For all the member-states of the European Community, leaving aside neutralist Ireland, it is NATO and not any European grouping that they regard as the association that is basic to their military security. The foreign ministers of the Community countries meet to coordinate their policies, but the defense ministers do not; the European Economic Community itself, despite some efforts within its Commission and within the European Parliament to prod it in this direction, has played no role in this field. It is true that the 1948 Brussels

Pact linking Britain, France and the Benelux countries, expanded in 1954 to facilitate West Germany's entry into NATO and the renamed Western European Union, provides an association which is purely European and rests upon formal defense obligations more rigorous than those of NATO itself. But it is at present largely moribund, as well as being limited in its membership and distasteful to West Germany because of its association with arms control restrictions discriminating against Bonn. It is also true that within the framework of NATO certain European groupings have sprung up—notably the Eurogroup, a caucus of European NATO members set up in 1968 but without the participation of France and the IEPG (Independent European Programmes Group)—concerned with various aspects of arms production and trade. But these do not answer the need for a combination of European powers that would in substantial measure shift the responsibility and the burden of defending Western Europe from American to West European hands.

The present distribution of responsibilities and burdens within NATO is still, despite some modification, that which was established in the early years of the Alliance when the United States enjoyed an immense preponderance of power—economic and political as well as military—in relation to its European allies. The United States assumed a disproportionately large share of the burdens—in terms of defense expenditures and with respect to both nuclear and conventional forces—and in return expected a privileged position in Alliance decision-making, which the allies freely conceded. Now that the power relationship between the American and European halves of the Alliance is less unequal, both parties are restive about the old arrangements, and adjustments should be made.

American opinion insists, very reasonably, that the European allies are now in a position to shoulder a larger share of the military burdens—not only of the conventional defense of Western Europe and its sea and air space and communications, but also of the defense of its interests outside the NATO area. At the same time, European opinion insists, also reasonably, that the United States can no longer assert the kind of predominance in Alliance decisionmaking to which it became accustomed at the time when the countries of Western Europe were, to one degree or another, its dependents or wards. American opinion, perhaps, has yet to recognize that a more equal sharing of the burdens of the Alliance must bring with it a diminished role for the United States in determining common policies. European opinion has yet to recognize that its claim to a larger part in Alliance decisionmaking has to be validated by a willingness to assume a larger share of common burdens. A European foreign policy posture that rests upon so-called "civilian power" alone, and is not made credible by military instrumentalities which European states control, will make only a limited impression on the rest of the world, and leave the European allies still with no alternative to following in the wake of the United States, where matters involving peace and war are concerned.

The immediate need is that governments of the West European members of NATO should come together to define their common interests in the political and strategic fields, and devise means through which they may be promoted. At the center of these common interests there lies the issue

of west European security, and the policies that should be devised are preeminently in the area of defense and arms control. Various forums for such conversations—the European Council (the meetings of heads of government of the Community countries), meetings of foreign ministers in the context of European Political Cooperation, a regular meeting of defense ministers—may be appropriate. What is necessary is that, in one of these ways or another, a European strategic identity should be brought into being, within the wider framework of the Alliance, and given permanent institutional form.

This is the present step which, it appears to me, is the vital one. What common interests in the field of security might be agreed upon were such a European strategic identity brought into being, and what policies might grow out of it, are more speculative questions. In what follows I seek to present, as it were, an agenda for a meeting, or series of meetings, addressed to these issues.

IV

A basic element in a Europeanist defense policy must be the strengthening of western Europe's conventional defenses in relation to the Soviet Union. This requires a radical change in public attitudes toward defense expenditure, but some powerful arguments may be presented in favor of such a change.

It is widely recognized that the Alliance needs to reduce its dependence on the early use of nuclear weapons to stem a Soviet advance in a conflict initially restricted to conventional weapons. Various schemes for reducing the likelihood that such a conflict might expand to the nuclear level now command a degree of public interest and support (a commitment to no first use of nuclear weapons; a nuclear-free zone in central Europe; a unilateral Western reduction in the number of battlefield nuclear weapons deployed in Central Europe), but such schemes can form part of a responsible security policy only if they are put forward in the context of the raising of conventional force levels to the point where they will provide an acceptable balance against those of the Soviet Union. We need, of course, to bear in mind that an acceptable balance does not necessarily require numerical equality of tanks divisions, combat personnel, etc., given the advantages now thought to lie with the defensive in conventional warfare; and also that conventional rearmament does not imply abandonment of the longstanding (but admittedly thus far fruitless) attempt through the negotiations on Mutual and Balanced Force Reductions to reach agreement with the Soviet Union on reducing the level of the balance.

European conventional rearmament can also help to sustain the American public's flagging commitment to the defense of Western Europe. The defense efforts of the West European countries, especially of the larger ones, may not be as feeble relative to those of the United States as they are sometimes said to be in the latter country, but they certainly lag behind. A withdrawal or drastic reduction of U.S. forces in the near future would present Western Europe with a crisis which it is still not ready to meet. At a time when demands for withdrawal in the United States are strengthened by public irritation toward Europe over conflicts of policy, growing attention toward American commitments in other areas of the world and the demographic shift away from the Atlantic seaboard, there is a West European interest in demonstrating a willingness to assume a greater share of common burdens.

Such a policy is also required if the West European allies are to substantiate claims for a larger role in the making of defense decisions. The West European allies, through consultative machinery to which I have referred above, should seek to establish common views as to the circumstances in which, and the ways in which, the Alliance should use or threaten the use of force in Europe. A restructuring of the present machinery of the Alliance, perhaps involving the appointment of a European to the office of Supreme Allied Commander, Europe, is desirable to this end. There is no possibility of agreement on changes of this nature unless the European member-countries can show, by increasing their role in European defense, that they are entitled to a greater voice in shaping it.

V

A basic cause of the legitimate anxieties being expressed in West European countries about security is their present dependence on U.S. nuclear forces deployed within some of them, over which European governments and peoples have no control, either in the positive sense of being able to order their use, or in the negative sense of having a veto over it.

While Western Europe is confronted by a nuclear-armed Soviet Union, it is illusory to imagine that Britain and its European partners can dispense with the double-edged protection of their security afforded by a nuclear force. We must work to reduce our dependence on nuclear weapons, and to reduce the role played by nuclear weapons in world affairs more generally; and conventional rearmament will help us to do this, as argued above. But this does not mean that we can rely on a conventional defense alone. While the Soviet Union has the capacity itself to use, or threaten to use, nuclear weapons against us, we must seek a nuclear counterpoise to it. For the present, moreover, such a counterpoise cannot be provided without reliance on the United States.

We do, however, need to recognize the double-edged nature of the protection afforded by nuclear weapons, which on the one hand serve to deter attack by an adversary but on the other hand expose us to increased risks in the event of war. We have also to recognize that the risks for Europe are magnified because the nuclear weapons on which we mainly depend for this form of protection are not under the physical control of European governments. It follows from this that there are two objectives which Western Europe should seek to achieve: one is European control, in a negative sense, over U.S. nuclear forces deployed in Europe; the other is European control, in a positive sense, over nuclear forces serving the objectives of the European peoples themselves. Neither objective is immediately attainable, but we may at least identify the direction in which it is desirable to move.

Western Europe is now host to six or seven thousand U.S. nuclear weapons. Although their use is nominally subject to agreement by host governments, the latter do not have any physical capacity to veto their use, except under "double key" arrangements for employment of tactical or battlefield nuclear weapons held in U.S. custody. In Britain, for example, this situation applies to the nuclear-armed U.S. bomber forces deployed in the United Kingdom for many years, and presumably to nuclear-armed submarines using Holy Loch, as well as to the proposed cruise missile deployments. A basic European security objective

should be to remove these weapons from European soil where this is consistent with European security, and to establish some form of European physical veto over their use where it is not. Such steps may be at the expense of the efficacy of deterrence of the Soviet Union, however, we have to bear in mind the need to balance considerations of deterrence against the other risks to our security contained in the present arrangements. The proposed deployment of cruise and Pershing II missiles in certain European countries—whether or not it goes ahead in the absence of arms control agreements with the Soviet Union—should not be acceptable to European governments without physical arrangements that would provide the host governments with negative control.

If West European peoples are to reduce their dependence on U.S. nuclear protection, they must also grasp the nettle of establishing positive control over nuclear forces of their own. The obstacles to this course are familiar. The nuclear forces of Britain and France are minuscule compared to those of the United States. British nuclear policy is tied closely to that of the United States, and Britain's decision to purchase the Trident missile ensures that it will remain so tied. Neither Britain nor France has yet displayed any willingness to collaborate in nuclear weapons policy, either as regards production or strategy, and the latter has repudiated suggestions of some form of Franco-German collaboration. Outside Britain and France there has been little willingness in Western Europe to regard British or French forces as serving a European role, as opposed to purely national roles, or to regard them as possible substitutes for the U.S. deterrent. A European nuclear force is commonly thought to presuppose a European federal government, and thus to be beyond the bonds of practical possibility. Public opinion in some West European countries, moreover, is at present in an anti-nuclear mood, and would view proposals for increased reliance on European-controlled nuclear weapons with disfavor.

These obstacles appear to me less formidable than they are sometimes thought to be. The effectiveness of a deterrent force is measured not only by its size and technical capacity to penetrate defenses and bring about destruction but also by the values at stake for the deterrent in a given conflict. In a situation in which Britain or France itself is threatened, the fact that a nuclear force is under the control of the British or French government may be more important than its size relative to that of the U.S. force. We should not assume, moreover, that a West European nuclear force must duplicate the forces available to the United States and the Soviet Union; its purpose would not be to enable Europe to dispute world primacy with the superpowers, but rather to provide a minimum deterrent against the extreme and highly improbable contingency of a direct Soviet nuclear threat.

Britain and France are not now in a position to make arrangements for joint production of nuclear weapons, but this is no reason why they cannot enter into arrangements for coordination of policy and strategy. It is true that West European opinion as a whole attaches little credibility to the idea that British and French forces play a European role; but no attempts has yet been made to give them such a role, or to create structures that would lead other European peoples to regard them as having such a role. A first step in this direction would be

the establishment of a European Nuclear Planning Committee, analogous to the NATO one, to which Britain and France would report on their policies in regard to nuclear weapons, and at which other European governments could make known their concerns. A European political authority controlling nuclear forces of its own is indeed beyond the bounds of practicability at present, but this does not preclude the taking of steps toward a European role for the Anglo-French forces, especially at a time when concern about dependence on U.S. weapons is high in Western Europe, and a broad consensus about policy toward the East unites the West European countries.

The anxieties, including the many legitimate ones, which large sections of public opinion have today about our present dependence on nuclear weapons in no way preclude this course. For these anxieties derive in part not from reluctance to recognize the role that nuclear weapons must continue to play in our security, but from the fact that the particular nuclear weapons on which we chiefly depend are controlled by an ally whose policies in the matter of security are substantially at variance with those of the West European countries. In France, of course, where there are no foreign nuclear weapons or proposals to deploy them, but rather a national nuclear force, there is a broad basis of public support for the government's approach to nuclear security. It is notable also that, in Britain, public opinion polls indicate a majority against deployment of the U.S.-controlled cruise missiles, but also a majority for retention of a British nuclear force. This should not be put down to misguided nationalist sentiment in these two countries; it is eminently arguable that our security is better served by nuclear forces that we control than by those we do not. If West European governments can demonstrate that their attitude toward nuclear weapons is a responsible one, that they are committed to minimizing the role of these weapons and to paying proper regard to Soviet fears and susceptibilities, they should be able to secure public support for preserving the element of nuclear force that is still necessary for their security.

Soviet General Secretary Yuri Andropov's recent proposals that the size of the medium-range Soviet theater nuclear force should be related to the size of Anglo-French nuclear forces is interesting in this connection. There are familiar reasons why the Western powers should not accept it: Britain and France, like Western Europe as a whole, are threatened not only by Soviet theater forces but also by Soviet long-range forces; they would be unwise to appear to allow the Soviet Union the right to have a say in the size of their nuclear forces; and the West as a whole might hesitate to accept the principle that the Soviet Union may claim nuclear forces equal to those of the NATO allies in combination. Nevertheless, the concept of the European nuclear balance, which is not dependent on U.S. nuclear deployments in Europe (although it might still depend on U.S. continental and ocean-based forces) but basically on European-controlled nuclear forces, is one for which there is a great deal to be said.

An important task for a European strategic entity that is brought into being will also be to consider Western Europe's political and strategic interests outside the NATO area.

It is sometimes said, both by American critics bemoaning Europe's parochialism"

and by Europeans wishing to dissociate themselves from America's global involvements, that European interests are now purely regional.

This is a view which should be resisted. The countries of the European Community are collectively one of the great forces in world trade. Britain, France, Spain, Portugal, Belgium and Holland have enduring extra-European involvements arising out of their roles as colonial powers. Western Europe as a whole has a vital interest in access to Persian Gulf oil. Its security may be directly affected by relations between the Soviet Union and China, by racial war in southern Africa, by the outcome of conflicts in the Middle East, or by the prospects for a return to détente between the superpowers.

Western Europe's interests vis-à-vis the great array of international political issues around the globe, are unlikely to be always the same as those of the United States. The fact that today the Community countries have taken somewhat different attitudes from the United States over, for example, access to oil and Middle Eastern issues relations with South Africa, Central America and North-South relations is a sign not of their parochialism but of their different interests and perceptions. Suggestions that there might be a division of labor in which the European countries concentrate on European defense and the United States on global issues wrongly take for granted an identity of interests and approaches. It will surely be necessary for the European allies to develop their own capabilities to influence events outside Europe, rather than regard the United States as the trustee of their interests.

VI

A Europeanist policy is not possible unless a more positive role comes to be played by West Germany. Germany is the largest and richest country in Europe. It is only on the basis of West German power that a West European counterpoise to the Soviet Union can be constructed. This means that West Germany will need to play some role, even if at first a small one, in the control of European nuclear forces; that West Germany's already considerable preponderance in West European conventional land forces will increase; that the discriminatory arms control provisions applying to West Germany under the 1954 agreements must further erode, if not disappear altogether; and that West Germany must come to play a more prominent role in the taking of political and strategic decisions.

No step can be taken in this direction without at once encountering the old and powerful inhibitions felt by the Soviet Union and its Warsaw Pact allies, by West Germany's own allies and, not least, by the West Germans themselves, about the very idea that Germany might return to a "normal" status in world affairs. Even apart from these inhibitions, West Germany's continuing interest in the restoration of German unity, to which the Soviet Union holds the key, raises a persistent doubt about the permanence of its alliance with the West, which no number of affirmations of Bonn's unswerving loyalty will wholly eradicate. It must also be recognized that a decline in America's role in Europe's defense might lead to a reopening of the question of the status of West Berlin.

But these nettles, sooner or later, will have to be grasped. It will soon be 40 years since the end of the Second World War. West Germany is an exemplary social de-

mocracy. The broad lines of its present foreign policy enjoy a wide measure of support in Western Europe as a whole. The legitimization of its eastern frontiers has removed some, even if by no means all, of the sources of its neighbors' anxieties. It is on German soil that a war for the defense of Western Europe is most likely to take place. A sudden change would alarm all parties, but an accelerated evolution toward West Germany's assumption of a more normal role is a vital element in the package.

West Germany's continued interest in Germany unity does indeed raise the question whether its commitment to West European unity can ever be unqualified. It would be erroneous to suppose, however, that West Germany will be drawn irresistibly, in the long run, to opt for German unity rather than for maintenance of its West European ties, whatever the cost. If, over the last century, we have come to regard a politically united Germany as the norm, we have to remember that in a longer view of history—indeed, since the fall of the Hohenstaufen in the thirteenth century—the normal condition of Germany has been one of political fragmentation. Nor would it be correct to assume that West Germany is bound some day to have the option of restoring national unity; indeed, for as long as the Soviet Union remains a great power, this is unlikely.

The tensions arising from the unsolved problem of German unity are in any case a feature of the Alliance as it stands at present, in which there is no European strategic identity within the wider Atlantic framework; it seems likely that West Germany's loyalty to the West would not be weaker but stronger if there were a militarily powerful European pillar of NATO in which the Federal Republic were a leading element.

A Europeanist strategic policy, moreover, can have no meaning without the loyalty and commitment of France. In some ways the course I am prescribing for Western Europe as a whole has already been adopted by France: indigenously controlled nuclear weapons, loyalty to NATO but insistence on a distinct personality within it. Of course, it is possible to doubt whether France would be prepared to qualify its purely national aims in defense policy by participating in a European strategic grouping. France may be no more prepared to join an integrated military structure of a European character, supposing this were established, than it has been to remain in the integrated structure of NATO (from which it withdrew in 1966). France has so far given no encouragement to the idea that the European Community should involve itself in defense questions. Yet the recent proposal of the Mitterrand government to revamp the Western European Union, the grouping of seven European NATO countries set up in connection with West Germany's entry into NATO in the mid-1950s, demonstrates some sympathy in France for the direction of the present argument. A European defense grouping today would not be likely to require France to merge its military identity into an integrated international structure of the kind France rejected when its National Assembly failed to ratify the treaty for a European Defense Community in 1954. France has also shown as in the decision to station the Pluto missile in Germany, a willingness to move away from a purely national role for its nuclear forces.

A Europeanist solution also requires a change of policy in Britain. There are many

factors in Britain that cause it to hesitate before moving in the direction I have been outlining. Britain is the principal foreign architect of the American commitment to Western Europe. It has been in many ways a favored beneficiary of this relationship. Its reliance on America in defense is older than the Alliance itself. There is a deep fear within the older generation in Britain—in contrast to the younger—that American withdrawal would mean a return to the situation that existed before 1941 when Britain was uncomfortably alone in a Europe without America. There is the known antagonism of a majority of ordinary British people toward membership in the European Community. Within that very substantial section of the British public that is deeply uneasy about the American alliance, many are drawn toward the alternative example offered by neutralist, nuclear-free Scandinavia.

It is, however, with its European allies rather than with the United States that Britain is aligned on the most serious issues that divide the Atlantic Alliance, and it is only by combining with them that Britain can effectively promote its point of view. The idea, deeply embedded in Whitehall, that cooperation in political and economic areas may continue to develop among the European partners, while military matters remain the preserve of NATO, is basically unsound. If Britain were aligned militarily in a European combination within the Atlantic framework that could give priority to European interests and objectives, had the capacity to disengage from American policies when these were at loggerheads with those of Western Europe, and to take initiatives independent of America, a climate of public opinion more favorable to defense, including nuclear defense, might come about.

VII

A Europeanist approach to defense has to be worked out with careful attention to the reaction of the Soviet Union. Moscow might welcome a diminished American role in Western Europe, but not the emergence of a more powerful West European defense capability, especially if this were to involve a more prominent role for Western Germany, perhaps including what the Soviet Union would claim to be "a finger on the nuclear trigger." This is no reason to flinch from carrying out these policies; West European rearmament would indeed be intended to deprive the Soviet Union of options it would rather have complaints; are only to be expected. On the other hand, it is also an object of the Europeanist policy to preserve the fruits of East-West detente in Europe by disengaging from an American policy that puts them in danger. There would be a need, in strengthening Western Europe's military capacity, to do so in such a way as not to threaten the Soviet Union or undermine its interest in coexistence and cooperation. Western Europe would need to demonstrate its continuing acceptance of the territorial settlements reached between West Germany and its eastern neighbors, its continuing interest in economic cooperation with the Soviet bloc and its willingness to explore arms limitation in the European theater.

Western Europe already exerts a great attraction—economic, cultural and political—over the countries of Eastern Europe. It cannot and should not disavow its links with them, or its interests in political change in Eastern Europe and in a more intimate relationship with it; and it should continue to explore frameworks for all-European security

ty and cooperation. But this should be on the basis of willingness to live with the Soviet-dominated socialist bloc and not of attempts to subvert it.

Equally important, a Europeanist policy would have to be executed with careful attention to its effect on the United States. There are good reasons why American opinion should be gratified by the emergence of a Western Europe that is more willing to shoulder the common burdens of defense, more united and more relaxed about its relationship to the United States because it has become less dependent on it. On the other hand, this Europe is likely to disappoint some of the expectations that Americans commonly have about it. It would be less willing to follow the American lead, more capable of working against American policies should it wish to do so, and more of a risk as an ally of the United States than one America is able to control. The policy I have sketched out would mean that the North American and European sides of the Atlantic Alliance were less effectively coupled to one another, if not wholly decoupled: this would carry both disadvantages and advantages for the United States, as it would for Europe. A division of the Alliance between American and European pillars, moreover, would be unwelcome in Canada, whose interest in maintaining a European defense commitment would be more difficult to sustain.

Nevertheless, a Europeanist policy would serve the best interests not only of Europe but also—at least in an enlightened view of what they are—of the United States. It might also provide the best prospects for preserving the unity of the Western world in the years ahead, when unity will only be possible on the basis of adjustments to changed conditions. These adjustments, however, will have to be carried out with care and sensitivity on both sides. If Western Europe has an interest in reducing its dependence on America, it also has to remember that it will need America's strategic support for a long time to come, and that a neoisolationist mood in the United States, fed by neutralism and anti-Americanism in Europe, may lead to a premature withdrawal. A turning toward what I have called a Europeanist course by the West European countries is bound to result in an America that will regard its interest in European defense more cautiously and critically; it will be for Europe to ensure that the United States continues to perceive this interest.

Finally, a Europeanist policy is not viable unless the nations of Western Europe can develop some appropriate form of unity. This is the greatest uncertainty of all.

There is as yet no supranational community in Western Europe but only a group of nation-states. Their history is one of endemic mutual conflict, and if they have recently established a habit of cooperation, this has been against the background of the physical presence of the United States and common fear of the Soviet Union. If the physical presence of the United States were reduced or eliminated, is there not a danger that the Western European nations would fall apart? In a crisis brought about by pressure from the East, would a putatively more self-sufficient Western Europe pull together, or disintegrate? If the present diplomatic concert of West European states has some capacity to endure, can it be stretched to include on the one hand neutral Sweden and quasi-neutral Denmark and Norway, and on the other hand Spain, Greece and Turkey, whose entry or projected entry into Europe-

an institutions is likely still further to dilute their unity?

Every new course in politics, however, has to begin with some vision of an alternative to present realities. There are some important elements of unity on which to build. We do not have to wait for the European Community to evolve into a political federation. Important as the Community is as a symbol of European unity and a vehicle of cooperation, it is nation-states that are the major political realities in contemporary Europe, and it is their recognition of common interests that gives the idea of West European unity its chief content. The first steps should be taken by the major powers, which need to create a forum in which the European NATO allies meet at the highest level to define their strategic interests, and coordinate defensive policies so as to promote them. They will need to discuss strategic plans and doctrines, defense budgets, arms and armed forces. They will need to assess Western Europe's strategic objectives outside the North Atlantic area as well as within it. They will need to establish consultative procedures, administrative machinery and chains of command that will make the armed forces of the European pillar of the Alliance the instrument of common European policies. They will need to enter into binding commitments.

It would be wrong, I believe, to attempt to prescribe in detail the precise nature of the organizational structure or structures that might be devised, but there are a number of existing institutions which could be developed: the European Council—the meetings of heads of government of Community countries; the meetings of foreign ministers of the Community countries engaged in coordination of foreign policy; the Western European Union. It should be an objective to bring about ultimately a coincidence between the membership of the European strategic combination and that of the European Community.

The objective should be a West European military alliance—an alliance within an alliance, preserving the wider structure of NATO. There might ultimately be a European alliance without NATO, just as there was in 1948 when the Atlantic Alliance had not yet been established. The idea of a Europe responsible for its own security can breathe new life into the movement for European unity. The European Community will never become a community in the true sense while it continues to steer clear of this problem. If it were to take courage and grapple with the question of defense, which has always been much more at the heart of the issue of European unity than any matter of economic policy, it might recapture the vitality and sense of purpose which today it has so conspicuously lost.

The PRESIDING OFFICER [Mr. COCHRAN]. The Senator from Tennessee is recognized.

Mr. SASSER. I thank the Chair.

Mr. President, I rise this evening in support of the amendment of the distinguished Senator from Georgia and in opposition to the amendment offered by my able friend from Maine.

Mr. President, for the past several years I have drafted legislative language which has been inserted in the Military Construction Appropriations Act which, in effect, is almost identical

to the amendment being offered by the Senator from Maine.

For 3 years, the military construction appropriations bill has carried the following language and I quote:

It is the sense of the Congress that the administration should call on the pertinent member nations of the North Atlantic Treaty Organization to meet or exceed their pledges for at least a 3 percent per annum real increase in defense spending in furtherance of increased unity and equitable sharing of common defense burden and international stability.

So much, Mr. President, for the gentle diplomacy. So much for leaving this matter to the administration and to their powers of gentle persuasion in this regard.

So much with getting our allies to live up to the solemn commitment they made in 1977 to increase defense spending at the rate of 3 percent per year in real dollars corrected for inflation.

What we need now, Mr. President, is legislation with some teeth in it, and that is precisely what the Nunn-Roth amendment carries.

We have miserably failed, in this Senator's judgment, to convince our NATO allies that either this Congress, or this administration, or previous Congresses, or previous administrations were serious about more equitable burden sharing, and I am sad to say that few of our NATO allies this evening are meeting their solemn defense commitments.

So the time has come at long last to put some teeth into legislation which will be a clear signal to the Europeans that we are serious about achieving a better balance of defense expenditures.

I am pleased that the distinguished Senator from Georgia has seen fit to offer this amendment because many others in this Chamber, and indeed millions of citizens across this country, have felt the same frustration that the Senator from Georgia, I think, is feeling this evening.

The United States will stick by its defense commitment in Europe. Who can doubt that? We have over 300,000 troops on the ground there now. We have lived up to our commitment there for over 35 years.

But the American taxpayers should not be asked to continue to bear an inordinate share of the European defense. We in this country are staggering under great budget deficits, deficits which remain a severe impediment to a healthy world economy and indeed represent a clear and present danger to the economies of our NATO allies. The defense budget increases recommended by this administration are substantially responsible for the budget deficits which threaten the world recovery.

This country simply cannot continue to assume the role of financing a disproportionate share of the defense of

the free world and borrowing most of the money to do it with, to boot. Such a policy runs two risks. First, it lulls our allies into thinking that the United States will assume the burden of meeting almost all of the Western World's security challenges. Second, it will ultimately lead to a growing isolationist trend among the population of the United States; a trend, I might say, Mr. President, that is growing and has been growing since the abortive adventure in Vietnam, and is fueled by such follies as what occurred in Lebanon last year.

Presently, the United States of America spends more than 50 percent of our defense budget on the defense of Western Europe. In addition, we have assumed almost the entire burden of defending Western interests in the Middle East and in Southwest Asia. And the fact is not lost on the American people that we only get 3 percent of our oil out of the Persian Gulf while some of our NATO allies are much more dependent.

If the NATO alliance is going to survive and prosper for another 35 years, there must be a reawakening by our European partners that the United States simply cannot be expected to continue to carry the burden substantially alone.

Last January, former Secretary of State Henry Kissinger recommended, in a Time magazine article, that if Europe fails to increase its share of the common defense—and I say the common defense—the United States should consider cutting its troop strength in Europe by 50 percent.

Well I say this evening that I am not prepared to endorse such a deep cut as Henry Kissinger proposed, but I am prepared to endorse reductions if it becomes clear that our NATO allies will not pay more to meet their own defense.

Mr. President, I would point out that in the NATO infrastructure program alone this country has invested \$4.2 billion. In the process we have prefunded over \$800 million for NATO-eligible construction projects, with the understanding that these projects would eventually be funded by our NATO allies. I regret to say, however, that the Department of Defense has failed to recoup a substantial portion of these expenditures—and today over \$300 million has yet to be repaid.

The failure to recoup these funds, I believe, is but one reason why this amendment should be passed by the Senate and signed into law.

The U.S. Army in Europe is presently stationed in more than 29,000 individual buildings. We have more than 300,000 U.S. troops on European soil. Clearly, the magnitude of our commitment to Europe's defense is substantial. Well, what are we getting in return? The opponents of this amend-

ment will make several good points. But the fact remains, our European allies are not living up to their defense commitments.

Yes, most of our NATO allies have the draft or universal military training. Yes, they do sustain a substantial reserve. But of what use is this if there is only 10 days of ammunition supply?

For instance, the Department of Defense has drafted a master restationing plan for our forces in Germany. U.S. military forces in Germany are presently based in locations which date back to the end of World War Two, in many of the same locations as the old Wehrmacht of WW II. These are not the best locations to meet the threat of a conventional Warsaw Pact invasion. Therefore, the master restationing plan would consolidate U.S. troops at more forward locations in Germany. The master restationing plan would cost more than \$1.2 billion for the construction of all facilities which have been suggested. The Congress, particularly the Military Construction Subcommittee, has insisted that the Germans provide a substantial amount of financing and real estate in order to implement the restationing plan. But Assistant Secretary Korb of the Department of Defense testified before Congress last February that "the Germans have told us that they have no money to help pay for the master restationing plan."

In other words, Mr. President, the Germans are not contributing to this proposal which would improve their own defense.

It is time that we send our NATO allies a clear message. It is time that we insist that they provide more for their own defense. It is time that the Congress take action to reinforce its rhetoric.

Mr. President, NATO's doctrine of flexible response provides for the potential use of nuclear weapons early in a conflict. Everyone agrees that efforts must be made to raise the nuclear threshold in Europe. There is only one way that is going to occur. Our conventional forces must be qualitatively and quantitatively improved. The U.S. Army, alone, is instituting a 5-year, \$40 billion equipment modernization program for U.S. troops in Europe. But our European allies are lagging behind in modernization. And there is no indication that our allies have any plans to accelerate their own contributions.

Mr. President, the Nunn amendment will not weaken the Atlantic alliance. Instead, it should actually strengthen the alliance. It serves as an opportunity for our allies to reassert their own position in the defense of Europe. That should be a healthy and a positive step.

Our allies need to know that we are serious when we demand that they in-

crease their defense expenditures. In years past we have tried the carrots, and now it's time to try the sticks.

The United States has demonstrated its commitment to Western Europe in two World Wars which took a terrible toll in American lives. We demonstrated our commitment when we helped rebuild the European industrial base following World War II. We have continued that commitment every year since that time, we will never back away from that commitment.

But must we do more than the Europeans themselves are willing to do in defending their soil? Should we make more of a sacrifice as a nation than the Europeans are willing to make for their own defense? Should each American taxpayer be required to pay a larger portion of his or her income for the defense of Europe than European taxpayers?

The answers to these questions are obvious. The defense of Europe must be based on a full and equal partnership with our European allies. Until Europe agrees to that full and equal partnership, we must let the European Governments know that we cannot continue to bear the brunt of their defense. The Nunn amendment we are considering today is an important step in that direction, and I urge my colleagues to adopt it.

Mr. COHEN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER [Mr. EVANS]. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me first of all suggest to my friend from Georgia what was suggested by our colleague from Maine, that the military implication of his amendment is not one that I would care to engage him in. I certainly do not feel qualified to argue over the question of military strength and what our allies are doing, either collectively or individually, in this area or what their burden ought to be specifically. I do not think that element of this debate is much in question. I think all of us agree without any hesitation that the burden of our European allies is not what it ought to be. And that certainly is not the reason which provokes this Member to rise to address himself to this particular amendment, the Nunn-Roth amendment, and also to the amendment offered by the distinguished Senator from Maine.

On the question of purpose—it has been said by others and I would just repeat it—that on the goal which the Senator from Georgia is seeking, there is unanimity in this Chamber or a very small minority of dissent, if any.

It is, Mr. President, over the means that the distinguished Senator from Georgia has selected and the effect of those means that causes the junior Senator from Connecticut to object. My concern is, that the effect of this amendment could have profound implications on the political questions associated with NATO. NATO is more than just a military alliance. Its importance as a military alliance is without question. But there is also a political alliance associated with NATO. And I would suggest that the political alliance represented by NATO is no less important than the military alliance and that we ought to keep that consideration very much in mind when we consider the means by which we seek to achieve the goals identified by the distinguished Senator from Georgia and others.

My concern, quite frankly and bluntly, is that the result desired by this amendment would not be achieved and that there is a far greater likelihood that the result would be just the opposite of those desired by the author and supporters of this amendment. Rather than increasing and building support within the individual nations represented in NATO, we would find a growing political constituency that would use the very debate we are engaged in this evening as weapons in the political discussion over whether or not they ought to in fact increase their participation in NATO.

We are all politicians in this body. Every single country represented in NATO has a parliamentary body of one kind or another. We can certainly appreciate, as politicians, how we would respond in our respective jurisdictions were we in this country to receive an ultimatum from our European allies suggesting a specific course of action which, if we did not follow, would result in certain economic, political or military reprisals.

Mr. NUNN. Will the Senator yield for a question?

Mr. DODD. I am glad to yield.

Mr. NUNN. Does the Senator really consider it an ultimatum to make known our position that, if our allies do not live up to their own commitments, we will begin to save money by cutting back because it is not possible to continue in this manner? Is that an ultimatum?

Mr. DODD. Not at all.

Mr. NUNN. In other words, we are not telling them what to do, we are just asking them to do what they said they would do and have not done.

Mr. DODD. But my point would be to my good friend—and I understand what he is trying to do—that, as a political fact of life, if you were to say to me that if I do not do something, the following will occur, then the political body represented by the NATO alliance and individuals within that body

are apt to do just the opposite of what we want them to do.

What we want them to do this evening is to contribute more to the NATO burden. That is what we want them to do.

Mr. NUNN. Does the Senator think it would be better not tell them to do anything, to wait to see if they do it in a couple of years, and if they do not, just start reducing our commitment? For instance, we are going to spend, \$52 billion in ammunition in the next 5 years. They are not going to increase theirs appreciably. We are going to have twice the ammunition level they are. We are going to go up from there very substantially and they are not going to increase at all. At some point, what do we do; just start cutting back; tell our Air Force, guys, fellows, you will be flying over to Europe, you will not have any aircraft shelters, and no place to refuel; you will not have any place to have your airplane repaired; you are going to be landing in the middle of world war III; you will not have any protection? At what stage do we do something? I am not saying punish anybody. The Senator is making a good point. I try to stress this is not punishment. This is recognizing U.S. taxpayers should not continue to sacrifice over and over again if our European allies are not going to make a contribution to provide for a credible initial defense. That is the point. It is not punishment. It is not an ultimatum. It is a simple recognition that a great percentage of our NATO expenditures are now futile; absolutely futile. It is not going to make any difference in the balance of power.

Mr. DODD. Let me suggest to my good friend from Georgia that while I do not question for 1 second what his intentions are, or what he is trying to accomplish with this amendment, my fear is that the interpretation elsewhere, particularly in Europe would be rather significantly different than the intention of the authors of the amendment. I do not think that is stretching or exaggerating to say that it would do just the opposite of what we want it to do.

I am not going to spend 1 second arguing with what my friend from Georgia has just suggested are the economic facts and the military facts. He is absolutely correct. The question is, Are there not other means through the use and influence of the executive branch, or through the debate we are engaging in here this evening, to have the same kind of effect on our colleagues within NATO, so that they may understand the importance of this issue to us?

Unfortunately, what I perceive to be at least the amendment is—and it is a tough amendment—that it says specifically if this does not occur, this will

result. While I certainly understand the frustration—of everyone who has risen to speak and to address this particular proposition—that frustration, no matter how well founded, we have to understand its implications. We need to think in terms of what happens if this does not develop the desired results. What is the reaction if in 2 or 3 years the alliance individually as countries or collectively decide not to move forward. We need to understand that the NATO alliance is not just a favor to Europe. The NATO alliance is in our interest as well. It also protects us. I think that becomes important when we address these issues, and far too often it is forgotten that NATO is not just something we do for Europe. We do it for ourselves. So when we talk about these things as a way of trying to increase burden sharing it is important to remember that.

Let me mention a second point. Too often I think we think of Europe as one nation. Granted Europe is coming closer together. The European Parliament is certainly an institution which is growing in its cohesiveness. But Europe is not one nation. There are independent, nation states that make up that community. It is unrealistic for us as one nation to assume that every single nation that makes up that community will act in unison. In fact, each and every nation that makes up that community has its own unique problems and difficulties. We need to be conscious of that.

I suggest that, in part, the problem we see our NATO allies suffering under today occurs as a result of the economic conditions which exist here: High interest rates, and the strength of the dollar certainly contributes in no small measure to the economic difficulties that plague Europe, and contribute in part, as it did in Holland to not being entirely supportive. That is disappointing to all of us.

But I urge my colleagues to remember this as well: Whether you agreed or disagreed with the decision to place Euromissiles in Europe—I am not going to debate that issue—the fact of the matter is our European allies went through some tremendous debates. Italy, which has a very strong Communist Party, stood up, stood with us during that crisis, and suffered as a result of the position they have taken. France, a socialist government, the Mitterrand government, went around, and warned Europe about Soviet influence in those debates.

Certainly we say what happened in West Germany on the same issue. I do not think it is insignificant for us to be mindful of what occurred and what happens to those particular politicians if we pass this amendment. What happens to them when they then go back, if this is the reaction.

Again, I say to my friend from Georgia, and others, that I am in no posi-

tion to argue with him over the merits of the goals they desire. But we need to think longer. We need to understand that if we had an ear inside the Politburo, what the Soviet Union would love to see more than anything else is that the Senate adopt this amendment. What could be more favorable in terms of their own political intentions within the European Community than to have the United States lay down an ultimatum?

So, Mr. President, I share, as I have said at the outset, the goal, the purpose, the facts, and the frustration of the authors of this amendment. But I would respectfully suggest, as I did at the very outset of these remarks, that my fear is that we will have the opposite effect, and that the political implications of this decision will be more far-reaching than we imagine as we respond to the economic and political anger—I think that is a proper word to use—of our constituency.

Mr. President, I will support the substitute as I believe it is a substitute, the amendment, offered by the Senator from Maine. But I say here this evening that I am not happy with that either, quite frankly, because I think the implications still are negative. But it does not have the same effect, obviously, as the amendment being offered by my colleague and friend from Georgia. I would prefer on this particular issue that we steer the influence that we need to bring to bear on our European allies, to other avenues that are available to us. But I see the Cohen amendment as the lesser of two evils in this debate, and will therefore support it as a substitute. I hope and urge that my colleagues in the remaining time in this debate would think long and hard, and remember this evening that a 1-percent growth in defense spending in a fragile European economy can topple a government. We do not think of it unfortunately as being that significant. It is there. It can have that kind of an effect. I think we need to be more conscious of that, and to recognize that in 1984 Europe is not the same community politically that it was in 1954.

Mr. CHILES. Would the Senator yield?

Mr. DODD. I yield.

Mr. CHILES. Could the Senator tell me what 1 percent would mean in dollars or in any other foreign currencies to the United Kingdom, to the Dutch, to Belgium, to West Germany, to any of those countries? What would 1 percent additional growth for their defense budget mean? I cannot quantify what he says when he says it could topple the government. Can he tell me in dollars?

Mr. DODD. No.

Mr. CHILES. Can the Senator tell me the percentage of their GNP?

Mr. DODD. My point to my good friend from Florida is this: we have

heard in this country Europe is one united community, that it is not made up of nation states. Certainly my colleague from Florida as an expert in budget matters understands that the country of Holland, for instance, certainly not a nation that has a large GNP, has significant economic difficulties such as access to our markets of their export products because of high interest rates, for instance.

I am not suggesting that 1 percent, 1.5 percent is that large but I hope we understand, that in economies that are still trailing significantly behind the United States in terms of economic recovery, an issue like that becomes important. When we think of 1 percent about our budgets, it does not have that much political effect, it seems.

My point was, without getting into a dollars and cents issue, that because of the fragility of their governments, the likelihood was that there may be strong implications. That was my point. It was not to address the budgetary figures of individual countries within the alliance.

Mr. CHILES. My friend from Ohio talked about the Japanese bragging they went up 7 percent in their budget, and they went from 0.92 to 0.97. It was still less than 1 percent. I think 1 percent is still 1 percent of 100 in Holland or in the United States. Unless we have some kind of knowledge as to what that means in our currency or in theirs, it is hard to make a sweeping statement that an increase of 1 percent could topple the Government.

Mr. DODD. I will add that Japan has been raised several times here tonight. Unless I have missed something in the last few weeks, I did not know that Japan had moved. I still presume it is outside the NATO alliance. If we want to address the issue of the failure of the Japanese to do more in defense, the Senator from Florida and I would probably end up in unison on that particular issue. I am talking about the European Community in this particular case and the implications of this kind of decision.

I will just conclude, Mr. President, by suggesting that I would hope, even though I do think it is still not what I would prefer, that the substitute being offered by the Senator from Maine would be adopted as a substitute for the well intentioned and certainly in many ways laudable amendment being offered by the Senator from Georgia.

Mr. President, I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I am very pleased to speak tonight in support of the aims of the amendment being offered by my close friend and colleague from Georgia and my friend from Delaware. Not only do I think it is a

well structured and well thought out proposition, but uniquely I am for it. I not only praise the sponsors of this amendment, but I stand with them.

I would hope that we would not get overly confused on some of the debate that has been taking place. It has been said that the Lord has made a special place for the fainthearted. I do not believe it is in the U.S. Senate.

But, you know, once in a while we have to bite the bullet and stand up for what we believe in, or at least what history has taught us.

My good friend and colleague from Connecticut just made a point in his remarks, what would the Kremlin think of this?

I heard the same argument on this floor not too many weeks ago when we debated whether or not we should send aid to certain Central American countries. It was said then, "If we do not send this aid, there is going to be dancing in the streets in Moscow."

I would simply say that I suggest that the decisions that we make here should have no bearing on what we think the Soviets will do as a counterpart. We must move and must move correctly in a whole series of areas.

There is one thing that I think we should try and eliminate, as the thought process begins with regard to the upcoming vote. That is to suggest the shape-up-or-ship-out theory. I do not know how that got into the debate, but this certainly is not a shape-up-or-ship-out theory.

What it says instead is that we are saying to our NATO friends and our NATO allies—and they are good friends and in most instances they are good allies—"Let us go forward hand in hand meeting the commitments to help secure the peace that has been agreed to." There is nothing more and nothing less.

We are not saying, "Shape up or ship out." What we are really saying is, "If you cannot meet your commitments to the defense of the free world in NATO, in your country, then we cannot continue to spend the full amount of money that we have been spending now for a number of years."

How long have we been spending it? I think that should be made very clear. We have been spending this money since the end of World War II, some 40-odd years ago.

How much has it cost us in that time? I do not know how many trillions of dollars. I suspect that the money has been well spent. Certainly, we are a tripwire there. Certainly, I agree with my friend from Connecticut that this just is not in the defense of Western Europe but it is in the defense of the United States as well.

But we are not getting out. We are simply saying we want to go forward together and if we cannot go forward together, "Then we, like you members of NATO, are going to have to begin to

make some savings because we are cutting back on food stamps, on aid to dependent children, on aid to education. We cannot afford educational support for either the public or private sector. We are in a budget crunch."

We are saying, "We are not going to save any money if you simply meet the commitment you have agreed to." I think that point has been clearly made by the Senator from Georgia.

A lot of very learned men spoke on this a long time before this Senator from Nebraska. A very thoughtful, dedicated man by the name of Mike Mansfield took this up first. There may even have been someone before him.

He has high respect from anyone whoever served with him in this body. I did not. He has my respect and those who have come later. We have so much respect for Mike Mansfield that we made him Ambassador to Japan under a previous administration. His name was resubmitted and confirmed as the Ambassador to Japan under this administration. He is a very worldly wise individual.

But at that time, the U.S. Senate rejected his movement to do something about the ever increasing commitment of men, women, and dollars to NATO without them making a corresponding commitment.

I simply say when I look at Mansfield and others, when I look at such distinguished Members of this body right now—by friend JENNINGS RANDOLPH from West Virginia, my good friend and close associate since I have been here; JOHN STENNIS of Mississippi—those people have been here all during this 40-year period when we have been voting this money time and time again.

How much money are we talking about for 1985? I do not know how much we spent before but it is certainly in the trillions.

In 1985, the total cost of the European-deployed U.S. forces will be approximately \$55 billion.

To back that up, we have a D-day plus 10 or, if the Soviet Union attacks, we would be in there with a total of \$90 billion—in D-day plus 10, or 55 up to 90. Shortly thereafter, without a commitment of forces and equipment, we would be over there with a total of \$177 billion. That is the cost of our initial commitment, our planned commitment to NATO.

I think it is necessary, Mr. President. Is it not fair to ask, then, that if we are making that kind of commitment while we are facing a decrease in many programs here at home, have the worst deficit we have ever seen, have a skyrocketing national debt—all that we are asking, I remind my colleagues, is that the NATO countries live up to the commitment that they made as modest as that might be.

I simply say, Mr. President, if we do not begin to do something about this now, rather than commissioning another study, as has been suggested as a substitute, then some of the younger Members of this body, including two who have been on the floor—my friend, Senator BINGAMAN—

Mr. TOWER. Will the Senator yield for clarification? What the Senator refers to is also in the Nunn amendment. He talks about a study. That language is in the Nunn amendment.

Mr. EXON. I do not yield, Mr. President.

Mr. TOWER. I just want—

Mr. EXON. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Including my friend, Senator BINGAMAN, who is in the 40-year-old category, and my friend, Senator DODD, who just spoke, in that same category—I suggest when they are 80 years old, they will be here on the floor of the U.S. Senate, trying to get through something that Mike Mansfield and others tried to alert this Nation to a long time ago.

I say, Mr. President, I think this is a totally reasonable proposal. It is not shape up or ship out. It is only telling our allies that we expect them to make the same commitment in dollars, to make the same commitment in manpower that we do on a cooperative basis.

With that, Mr. President, I am pleased to yield to my friend from Texas for any question or any statement he would like to make.

Mr. TOWER. I was just going to ask the Senator if he was aware that the study he refers to not needing, is in the Nunn amendment? In fact, the substitute is, for the most part, the Nunn language truncated to remove the mandated phase 2 withdrawal.

Mr. EXON. Is it not true, though, that the main thrust of the amendment offered by the Senator from Maine is to do away with the main thrust of the amendment offered by the Senator from Georgia?

Mr. TOWER. That is correct.

Mr. BIDEN. Will the Senator yield?

Mr. EXON. Yes, I think if that is clear, we should know that it is a substitute, a study only. I make my point once again: Let us not study. Let us get up and take a stand. I think this is the time indeed to make a stand and not conduct another study.

Mr. BIDEN addressed the Chair.

Mr. EXON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I enter this debate with some reluctance because I would have strongly preferred that this issue not be put to a vote. While I believe that it would be unfortunate if the Nunn

amendment were approved, I believe it would be even worse if the Nunn amendment were voted on and defeated. I therefore believe that the best outcome at this point lies in the substitute proposed by the Senator from Maine. Let me try to put a couple of things in focus as I see it.

Being much older than the Senator from Nebraska, I was here with Senator Mansfield when those debates took place on troop withdrawals. There was one important distinguishing feature between the effort of the former Senator from Montana, our present Ambassador to Japan, and the effort by the Senator from Georgia. That is that the former Senator from Montana [Mr. Mansfield] had absolutely no punitive edge to his initiative. He simply felt the time had come for America to come home.

It had nothing to do with whether or not Europe was meeting its commitment or not meeting its commitment. It had nothing to do with whether or not Europe promised 2 percent or 10 percent, were good guys or bad guys. Senator Mansfield just decided, and he used to say it because I used to cosponsor his amendments, "The war is over now. It has been 30 years; it is time to come home."

This amendment has a punitive aspect to it. What worries me about it is not that it is substantively incorrect if you look at it from a military perspective, but that it is potentially political dynamite. This is more a political question than it is a military question at this point.

We are asking the Europeans just to live up to what we do. You know, there is a funny question asked in Europe, which is why do we not live up to what they do? Let me give a little case in point: the MX missile.

I was for the MX missile when two conditions prevailed: One was that it was going to be an multiple aim point system and that in fact we would make it survivable; and two was it would be deployed within the context of an arms control agreement. That is when we first came up with MX, if we all remember.

I cannot tell the Senator from Nebraska much about the MX. He knows more about it than I do. He is on the committee and he knows the historical perspective. The MX was thought of in the context of SALT and a survivable mode. It was not a bargaining chip.

The Europeans said, in the same period of time, "All right; old Helmut Schmidt, Chancellor of Germany, and the U.S. Congress and the U.S. Senate and the U.S. President, are saying we have to modernize our nuclear weapons systems in Europe. Well, that is going to be hard for us politically to do," they said, "But we will sign on to a decision in December 1979 that said we, the Europeans, will in fact deploy

intermediate nuclear weaponry that can strike Moscow in the form of Pershing II's and cruise missiles. It may cause a little problem, but the Americans are going forward with the MX. They are meeting their part of the commitment on the strategic side."

Then what happened? I do not denigrate my colleagues that I am about to refer to, but I just point out what appears to be a political fact of life. Our very prodefense, very independently rugged, very pronuclear Republican Senators from the West found out that the folks out West did not like that old MX rolling around in multiple-aim points. They had an area bigger than all of Europe to do it in, with a population probably one one-hundredth of Europe's. But they said, "Now, wait a minute. Those cowboys out on the range"—and I do not say that disparagingly, I am serious. "The cowboys out on the range don't want those MX missiles out there on our range; it's going to ruin our environment."

Then we heard, "My God, we don't want to put those missiles on highways. Put them on highways and the American public will go crazy. It will be survivable if we do either of those things, but they will go nuts."

Mr. CHILES. Will the Senator yield?

Mr. BIDEN. Not yet, Mr. President.

So the President of the United States goes on the air and says—right after he has held a press conference in which he says he believes we can limit a nuclear war to Europe, which gave a real warm feeling to the hearts and stomachs of all Europeans—he said, "We are going to scrap that multiple aim point system. By the way, we are going to lift the grain embargo at the same time, but that is irrelevant."

The Europeans began saying, "Wait a minute. We have 60 million folks in Germany;" 60 million in a state not even as big as one of the States that would be part of the multiple aim point system, with a population, if I am not mistaken, of under 1 million. Maybe I am wrong, maybe it is 2 million. But one-thirtieth or one-sixtieth the population. And guess what? We yielded to the political pressure.

But we stood here and we said, we strong, prodefense types like the Senator from Delaware and the Senator from Nebraska, and said, "You Europeans, don't back off your commitment to deploy, even though, by the way, you are going to roll those Pershing missiles on highways, even though you are going to put them in neighborhoods. Be strong; be stout of heart; go to it." Well, they did; 1 million people—not 100,000, not 200,000, 1 million people—marched the streets of Bonn, Germany, in a country of 60 million people, and said, "We don't want those missiles." The German Government said, "You are getting them." They said, "What about the

Americans? What are they doing?" They said, "They are going to supply them to us."

Let me ask the rhetorical question of my colleagues in this body: would you rather go home with your constituency and pay for the missiles or put the missiles in your back yard? What choice do you want as a politician? I give you that choice. Do you want to vote to pay for the missiles or do you want to put the missiles in Omaha? Do you want to vote to pay for the missiles or do you want to put the mobile aim point system in the greater Las Vegas, NV, area? Do you want to pay for the system or do you want to put it in Utah? I just wonder.

Now, maybe you would rather have it in your backyard. The Senator from Wyoming is a courageous man. He says he wants it in his backyard. Both of them said it. I compliment them for their courage. But most of us around here would probably say, "My taxpayers would rather pay for having those missiles that can hit the Soviet Union in Germany than have the Germans pay," if that were the option, which it is not, "to have them in Delaware."

Mr. NUNN. Would the Senator yield?

Mr. BIDEN. No, not yet. So when we talk about what the Europeans do not do, I respectfully suggest that the Senator from Georgia is absolutely correct. They do not spend enough money. I respectfully suggest they do not meet their commitment on conventional force capability. I respectfully suggest they are unwilling to do what we have done and cut social programs to pay for that. But I suggest, as we self-righteously point out what those bad old NATO folks are not doing, that we do what my father always said; "Walk a mile in their shoes," because some might argue that because of our incredibly high interest rates, due to our unwillingness and lack of political gumption to deal with our deficit, they have a serious economic problem in Europe. That is not the only reason they have a problem. But I do not think any would argue that our deficit does not aggravate their problem, our interest rates do not aggravate their problem.

Now, we have an economic recovery going on while the Europeans are just crawling out from under. It is the highest unemployment since World War II. And what have we all learned from our European history? Our European history tells us the time that you have the Hitlers of Europe is the time that you have social unrest and the time you have social unrest more than any other time in Europe is when there is unemployment. Their unemployment rate exceeds ours.

Now, notwithstanding that, we have a couple of conservative governments who have gone out on a limb, Helmut

Kohl in Germany, the Iron Butterfly in Great Britain, and a few others. And what did they do? They said in effect, "My public opinion be damned; we are going forward with deployment. We made a commitment."

Now, do we expect them now, at this moment, when they have in fact followed through on their commitment and when their economy is still on the balls of its heels and when they have unemployment to in addition go to the Bundestag and say, "By the way, we are going to increase spending another 1½ percent on defense this year." How many of you think the government of Helmut Kohl would stand much longer beyond that vote of confidence? How many of you think that Prime Minister Thatcher—or let us just take it to the low countries, folks. What shot do you think you have in the low countries?

Did you all happen to notice the elections in Italy? Did any of your staffs put that together for you? There was an election in Italy. The Communists made tremendous gains. So far Italy has been good on deployment. Now, are you going to go into that legislature where the Communists have just made gains, where they have economic chaos, where they are presently in the process of meeting the deployment commitment, and say, "By the way, as prime minister, my first official act this week is going to be to increase defense spending." Now, I ask the question rhetorically, how many of you would rather have the Government of Germany stand, the Government of Great Britain stand, and no further chaos in Italy and no defense increase for the next year and how many of you want to take a chance that you will force the requirement of bringing to the people of Germany, Italy, Great Britain, and so forth, while deployment is going on, an increase in the defense budget?

Let me ask it in another way. What do you think our friends on the left, the greenies in Germany, the churches in the low countries, the Labor Party in Great Britain, the Communists in Italy will say if in fact we pass an amendment that allows triggering of a reduction of up to 90,000 troops from Europe, almost one-third our entire commitment?

Now, what do you think the mind set is going to be at the same time we are beating them up and about the head—

Mr. CHILES. Will the Senator yield?

Mr. BIDEN. No; I will in a moment.

Mr. CHILES. I thought the Senator asked a question.

Mr. BIDEN. I said rhetorical. The Senator knows what rhetorical means. It means I do not expect an answer.

Mr. CHILES. I missed the word "rhetorical."

Mr. BIDEN. The fact of the matter is that while we are beating them up

and about the head to deploy, at that same moment we are going to say, "By the way, we are going to withdraw." Now, how much hay do you think the opposition can make of that?

The concern I have is the timing. Senator ROTH of Delaware and Senator NUNN of Georgia are dead right on the merits, the military equation. The Europeans just do not do it. But I want to tell you, you give me the choice of moving forward with our current progress or creating what I think could be a conflict on this, and it will take modernization of those nuclear weapons.

I find it hard to make the case to the Europeans that "you guys are deploying nuclear weapons in your back yard and we scrapped an MX system that was survivable because of political pressure."

I yield for a question to the Senator from Florida.

Mr. CHILES. I would just as soon have the floor now.

Mr. BIDEN. I do not want to yield the floor.

Mr. EXON. I have a question. How long does the Senator from Delaware intend to keep the floor?

Mr. BIDEN. Perhaps an hour or so.

Mr. EXON. I thank the Senator very much. I anticipate that.

Mr. DECONCINI. Mr. President, will the Senator yield for a question?

Mr. BIDEN. I yield.

Mr. DECONCINI. The Senator from Arizona is always educated by the remarks of the Senator from Delaware. I mean that sincerely. That is true whether I happen to be in Arizona or on the Senate floor or anywhere else.

I wonder what objection the Senator from Delaware has to proceeding to a vote on the Cohen substitute, to see if we can resolve this.

Mr. BIDEN. I am persuaded. I yield the floor. I am ready to vote.

Mr. CHILES. Mr. President, there used to be a football coach by the name of Herman Hickman. He was an outstanding football coach. He was also a great storyteller, and he was often called on to give after-dinner speeches. Coach Hickman weighed about 300 pounds, and he loved to eat.

I am reminded of an occasion when Coach Hickman came to speak to a group of ladies in Florida. He had enjoyed his dinner, and he was introduced and stood up to speak. As he did so, the buttons popped on his britches and he lost his pants. They fell down and he had to bring them back up again. When he did that, the ladies did not know exactly what to do.

Herman said: "Back where I come from, we always have the feeling that the more you get to see of each other, the more you understand and appreciate each other."

I think that what the Senator from Georgia has here is an amendment

that allows our European friends to see a little of us.

I take issue with the fact that we are doing a great favor for our European allies if we recognize that this is a tough time for them and we should not say anything about the fact that they have not met their commitments.

I really think that the reason for this amendment is not to punish the Europeans. I do not want to do that. I do not think the Senator from Georgia does. I think we want to save them. We want them to be able to live. That is what we are talking about here. We are talking about saving them.

I think of the great European leader of this century, the great world leader of this century, Winston Churchill. I think of the number of days and nights he stood on the floor of the House of Commons, between World War I and World War II, the speeches he made, saying, "You have to get ready. You have to be prepared." I think of everything he did to try to get Britain to start doing something to rearm.

He talked about the readiness, or the absence of readiness, of their air force; for a long time they would not allow him to get reports. He talked about the navy, and they would not allow him to get reports.

Time after time, he was the only one who spoke on that. They booed and hissed him and said he should not be saying those things. But he stood there, time after time, and they really did not listen. They really did not prepare. They did not arm. They sought to appease.

We saw Chamberlain go to meet Hitler and give away Czechoslovakia: "The last thing we will ask for."

Then we saw the war, after that. Then what did Churchill do? He started trying to get the United States to prepare. He worked with Roosevelt over much of the time, trying to alert us as to what we need to do.

What would Churchill say in a debate now in the House of Commons?

The Senator from Connecticut has talked about all these Europeans having parliamentary bodies. What are those parliamentary bodies going to say if the Nunn amendment is agreed to? "Here are these old Americans telling us that if we don't provide 3 percent, they are going to withdraw their troops."

Think of the consternation that is going to cause. Think of the debate that is going to go on in those parliamentary bodies when they see that the Americans are going to withdraw troops unless they increase by 20 percent the gap of conventional munitions toward the goal of a 30-day supply.

Do you know what I think? I do not think that a lot of members of those parliaments and a lot of people in

those governments know that they have 9 or 10 days' supply.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. CHILES. I yield. I have not even been asked a rhetorical question.

Mr. JOHNSTON. The Senator knows where the 3 percent came from, does he not? Is not the 3 percent the goal they imposed upon themselves, by mutual agreement with us?

Mr. CHILES. The Senator from Louisiana is correct.

My understanding is that it was about 1978. It was before Europe was in this great recession. They did not meet it then. They did not meet it in 1978. They did not meet it in 1979. They did not meet it in 1980. They have not been meeting it. But now it is tough times, so do not ask them to meet it.

Mr. JOHNSTON. The Senator has heard this debate. We heard the Senator from Delaware and the Senator from Texas: My goodness, the sky is going to fall if we make the Europeans even try to make their self-imposed goal of 3 percent. The Government of Italy is going to fall. Helmut Kohl is going to be severely embarrassed in Germany.

Do not those people in those countries know that this is their own figure of 3 percent, that in good times and in bad times they have not met their goal, and that we have far exceeded that goal in good times and bad?

Mr. CHILES. I hope they know that. But what I do not think they know in some of those parliaments—and certainly some of the people—I do not think they know that they have 9 or 10 days' supply of ammunition. I do not think they know that.

I listened, also, and tried to ask a question about this—that we should not say that because we do it, you have to do it, because we have always done it when they did not do it.

I thought we were talking about an agreement. I thought we were talking about a contract. The way I studied contracts, contracts have to be a meeting of the minds. There has to be reliance on the contract in order for it to be valid. We have relied and we have performed. There has to be performance. If we have relied and we have performed—actually, out performed our 4 percent—are we not entitled, under our contract, to ask them to perform?

Mr. JOHNSTON. If the Senator is asking a question, and not a rhetorical question—

Mr. CHILES. Not a rhetorical question.

Mr. JOHNSTON. I say, yes, we are entitled to expect that. They know in good faith that is what they have done for themselves.

I ask the Senator this question: What would you do if you were a member of the British Parliament, or

the Italian Parliament, or any of these parliamentary bodies, or any of the governments in Europe, and every time you would reduce your share of the budget, the United States, good old Uncle Sugar, would increase its share and take up the slack? Would you not think that is a pretty good deal?

Mr. CHILES. I would think that was a great deal, and I would always have some reason why this is not the best time to ask me to perform, to handle my contract.

Mr. JOHNSTON. Kind of like a pay raise in Congress?

Mr. CHILES. Absolutely.

Also, they talk about what they are doing on the Pershing missiles. Why are they really doing it? Because we called on them to perform another agreement. That was an agreement. They made it. They asked for the Pershing missiles, to start with. They said, "You have to do something." We finally insisted that they perform, and they did perform. They did not do it until we insisted.

Before they did it, they said, "How about delaying it a year?" They asked all those questions. It was only when we finally said "no" that we got an agreement here. We said, "We expect you to honor it." They did honor it, and I am glad. I think that is the happiest thing that has happened. But I do not think that because they honored that, we should turn them loose on every other agreement.

Mr. JOHNSTON. Let us suppose that this amendment is agreed to, and then our diplomats go to Europe and plead with them in NATO to do what they promised the alliance they would do, which they mutually agreed with us they would do, and 1985 comes along and they have not done it, and 1986 comes along and they have not done it, and then this trigger date of 1987 comes along and they still have not done it. Can we not change our mind? Do we not have one of these authorization bills every year? Can we not say, "Gosh, the Europeans have done the best they could, and they still have a recession going on over there"? Can we not change our minds and not bring the 30,000 troops home, if we want to?

Mr. CHILES. Absolutely.

Mr. JOHNSTON. So really what this is, is a good—we are talking about a bargaining chip—this is the best bargaining chip I know of. Does the Senator not think this is the best way to force some action? All of our sweetness and light, all of our persuasion and rhetoric has not worked since 1978. Maybe this will work.

Mr. CHILES. I think that is right, but when people talk about this toppling governments and they talk about what is going to happen in these parliamentary bodies, when they start debating that "The United States is

using this club on us and the United States is saying that if we do not keep the agreement, lo and behold, they are not going to keep the agreement," that is the club.

We are saying, "If you are not going to keep it, we are not going to keep it."

How could they do that? But I would like to hear that debate when they say that, "They really want us to increase by 20 percent our ammunition supply toward the 30 days we promised. Can you understand that they want us to go from 10 to 12 days all in one year?"

I would like to hear that debate. There must be a few conservatives in some of those parliamentary bodies. I would like to hear that debate, this, "Oh, my goodness, it will topple our government if we go from 10 to 20."

The other thing is that I wish to really discuss—

Mr. ROTH. Mr. President, will the Senator yield?

Mr. CHILES. Not now. I will in a minute.

I wish to make this one point and that is this: I have heard about the danger, rhetorically, of the Greens, the labor parties, and the church, and "What do you think these people are going to do if the United States says this?"

The fact of this is the grievance of those protest groups is very real. I have been in Germany. I have talked to the people over there. I have seen the marches.

What is the thrust of those parties? What is the thrust of that protest? The thrust of it is, as I understand it, "We do not want a nuclear confrontation. We are scared to death of a nuclear war, and we know that we will be in the middle. That is the thrust."

What is the Senator from Georgia and his amendment trying to do? Cause a nuclear confrontation or delay it, keep it from happening?

What happens when you run out of ammunition in 10 days and the Russian tanks are rolling and they are coming across the plains? You either crank out the nuclear deterrent—you either pull the nuclear trigger or you give up, one or the other.

The Greens are not dumb. The labor party is not dumb. The church parties are not dumb. They understand that.

And I cannot see them toppling a government that is going to prevent from happening the thing that they are afraid of.

I can see their understanding of this when we are talking about trying to beef up, trying to put some shelters for some planes that are going to come over there, trying to add to the ammunition supply for conventional warfare. Is that the kind of thing that is going to trigger protests across Europe?

I think the thing that would trigger protest is if they understand the nu-

clear trigger that is there today. I think that is the thing that we would have to worry about that would trigger protest.

I listened also to the rhetorical thing of do as we say do. We are not saying do as we do. We are saying we have an agreement that makes up the alliance. We have honored the agreement and we are honoring it.

The Senator from Montana in his old amendment did say let us just come home. We are not saying that. We are not saying that at all. We are saying we want to strengthen the alliance, and I think we have an opportunity to do it here. I think that we have to send this kind of medicine, this kind of message, and I do not think we are being good friends if we fail to do that. I do not think we are being good friends if we do not realize what Churchill stood for if we do not go in and just call this thing the way it is.

The Senator from Georgia said we do have that responsibility to our own boys who are going to go over there, that responsibility to those 10 divisions that we are going to send at the time that there is no ammunition. There is some responsibility here.

I know that there is a strong feeling in this country against the use of nuclear weapons. I know there is a strong feeling that says we should have a nuclear freeze.

It would seem to me those kind of feelings would be for making sure that we have the conventional force that we can handle this and try to do it without tripping that nuclear flare.

That, I think, is what this amendment does.

Mr. NUNN. Mr. President, will the Senator yield briefly?

Mr. CHILES. I am happy to yield.

Mr. NUNN. I thank the Senator from Florida because he, I think, has done a splendid job of explaining exactly what the purpose of this amendment is, and explaining why all those people in Europe who are bringing pressure on all our good friends over there should be the very ones to be in favor of this amendment, because it reduces the likelihood and the necessity in some scenarios of nuclear war in Europe. That is what it does.

Mr. CHILES. It certainly does.

Mr. NUNN. It is something that should be embraced by those who fear the GLCM and Pershing II missiles and fear the short-range battlefield missiles that will begin to pop off all over Europe if we do not have a conventional defense.

I think the Senator from Florida has done a splendid job of pointing that out. He is right. This amendment is fundamentally different from the Mansfield amendment.

The Senator from Delaware [Mr. BIDEN] is correct. It is a fundamental departure from the Mansfield amendment.

The Mansfield amendment was designed to get troops out of Europe and elsewhere. This amendment is designed to keep them in but keep them in in a way that makes sense, keep them in in a fashion that gives our young men and young women who are in Europe and those who will be rapid reinforcement troops a chance. It gives them a chance to survive when they land. It gives them a chance to survive in an environment that is not already permeated by nuclear weapons.

So it is a fundamental difference from the Mansfield amendment.

Mr. CHILES. The interesting thing, I say to my friend from Georgia, when we talk about whether we are trying to do a favor to our friends in Europe or not, we could cut part of that \$52 billion that is talked about that we are prepared now to put up to increase our ammunition from 30 to 60 days. We could cut that and we would not hear a word. We would not hear a word over there. That would be the easy thing to do, to just say if they are not going to honor their commitments, we just will not put that up. We could say to ourselves we have 30 days and they have 10 for ammunition so we will just save that \$52 billion. That would be the most dangerous thing we could do.

So the Senator from Georgia is not saying do that. He is saying that we should do that but we have to know that we have the time. It is the whole strategy we have. If we do not have that, why should we fool ourselves? How long will we stick our heads in the sand? How can we do that and say this is our battle plan?

I was shocked when the Senator from Georgia told me the numbers. I could not believe those kind of numbers. I could not believe that we would have to say that we have a credible defense there, say that we will have the time and go through the things we have gone through in this country toward mobilization, toward the fight we had even about registration so we would be able to do that. That is all moot. None of that means anything.

I do not know why we even talked about it if there is only 10 days.

I was so shocked. I do not really think that our friends in Europe understand this.

Mr. NUNN. I might say to the Senator from Florida that he is correct in terms of the thrust of his remarks. The exact number of days of supply differs with different types of ammunition. It varies.

Mr. CHILES. I understand.

Mr. NUNN. I think the best way to express it is we have our 30 days and more and we have twice the overall ammunition levels as our European allies. The Senator is exactly correct.

Mr. CHILES. Let us just say it this way. I do not want to use any figure that may be 1 day or 2 wrong or may be 5 days and it may be classified

anyway. Let us say it this way: we have decided that 30 days is not enough to allow us to carry out the game plan of resupplying Europe, have we not?

Mr. NUNN. Correct.

Mr. CHILES. So we have said, based on that, that we are prepared to spend \$52 billion.

Mr. NUNN. Correct.

Mr. CHILES. To add to our number. So it sure does not make sense that our allies have less than half the time that we have, or half the time.

Mr. NUNN. The Senator is correct. If I could make one other observation, the Senator from Delaware alluded to an effort to get Europeans to do as we do. We really are not asking them to do as we do. We are far beyond where we are asking them to go in this amendment. We are asking them to do as they say they will do.

Mr. CHILES. As they promised.

Mr. NUNN. As they promised over and over again. We have reached the stage of fragile allies, if one ally cannot say to the other one that we expect you to live up to your commitment without people coming in and saying, "You're going to disrupt the whole alliance; this is divisive; don't make us do what we promised."

Mr. CHILES. "Don't make us keep our word."

Mr. NUNN. "Don't make us keep our word. We would be shocked if you did that. Uncle 'Sucker' is supposed to just keep on pouring in the money, pour in the money, pour in the money. Don't make us do what we said we would do. That would be divisive. That would split the alliance."

In effect, when they say that, they are saying they have no intention—and the 5-year plan says that—they have no intention.

Mr. TOWER. Will the Senator yield for a question?

Mr. NUNN. I do not have the floor. If I can make one other observation, I will yield back the floor to the Senator from Florida.

The Senator from Delaware mentioned the MX and deployment. And I agree with everything he said about that. I think our basing mode has evolved into absolutely absurdity. The Senator is correct on that and there is no rebuttal. He will not get any from this Senator.

But on the INF deployments, if someone read the record, they might think that we were the ones that asked the Europeans to let us put Pershing II and ground-launched cruise missiles in Europe. I think it is important to recognize that this noble idea originated with Chancellor Schmidt and the Europeans. We are not over there begging them. We may have evolved that into the public perception, but it was their idea to have the

Pershing II's and the ground-launched cruise missiles.

As a matter of fact, there was a pretty vigorous debate, and some high ranking Americans, at the time the original decision was made, wanted to put them offshore, did not want to put them on European soil. The argument was made by our European friends, "Don't do that, because that won't have the credibility and it might decouple; we might not be coupled to America's strategic nuclear force." So let us put that in the proper order. They were the ones that asked for it. We paid for it. I mean, they have paid for it politically, I will acknowledge that.

But it has been my view, and still is my view, if we had European allies and leaders in those countries that stood up and said, "Folks, the reason we are trying to improve our Pershing II nuclear position is because we are so weak conventionally and if we would all do more conventionally we would not have to do nearly as much in this nuclear area." Because it is my firm view that if the Soviets are convinced that we have the capability of fighting for a matter of weeks, in NATO, we will never have a war. We will never have a war. They do not want a 30- or 40-day battle in Europe. The Soviets cannot afford that. They are very fragile with their Eastern European allies. They have got to come across Poland. Their lines of communications are very, very fragile. They are worried about 25 to 30 percent of their whole military forces they have on the Chinese border. I would submit the last thing the Soviets want is a long war in Europe.

But, if they continue to get the message from the alliance that we do not have the staying power to fight beyond a few days without escalating to nuclear weapons—and that is exactly what our Supreme Allied Commander said; that is his description of our state of affairs—if they continue to get that impression, then, whether or not they want to fight, the perception is going to continue to grow in Europe that we do not have a chance. We really have got to become more and more neutral. So it is the neutralization of Europe that is at stake.

Some people have said that the Secretary of State has been quoted as saying—I have not seen it directly, so I am not trying to quote him directly—that this is a signal that would help the Russians; we are helping the Russians with this.

Well, you can only believe that if you believe the allies are going to continue for the next 5 years not to do what they said they would do. The assumption the Secretary of State makes there is that the allies are not going to live up to their commitments. That is the only way he can arrive at that conclusion. Because if the Soviets

believe that the Europeans will do what they said they were going to do over and over again, there would not be any withdrawal of forces. There would not be any withdrawal.

So to argue that is to assume, as the Secretary of State must assume, that the allies never are going to live up to their commitments. We are just going to go on and on and on. If he assumes that, then somebody better come up here in the next defense bill and explain to the Budget Committee, which the Senator from Florida and the Senator from Delaware serve on, and the Appropriations Committee, which the Senator from Louisiana serves on, and the Armed Services Committee, which we serve on, and ask the simple question: Why are we going to spend \$52 billion on NATO ammunition if your assumption was, when we were debating this amendment last June, that the allies were not going to live up to their commitment in the next 5 years? And 5 years from now we are going to have a withdrawal of American forces because we still have no munitions that are adequate, no 30-day supply, and we have no colocated bases that can house America's aircraft.

So that is the Secretary of State's assumption. Make no mistake about it. And that is the assumption of people who say that this is going to send a signal of comfort to the Soviets. They are assuming that our allies will continue to fail to meet their obligations and their own promises. That is a pretty sad state of affairs.

If this amendment fails, believe me, there will be a lot of hard questions asked about every penny in the military budget that relates to staying power in NATO. I am not saying we will pull out of NATO. I do not want anyone to mistake that. I am not saying we should. I am not saying we will not continue to live up to our commitments.

I am saying that there are absolutely absurd expenditures that we are spending billions of dollars on that make no sense if you accept the basis assumption that the Secretary of State must accept and also, I might say, that President Reagan must accept.

Mr. CHILES. If the Senator from Georgia is asking that of me as a question—

Mr. NUNN. That was a question

Mr. CHILES. I would say yes.

Mr. ROTH. Mr. President, I wish to congratulate the distinguished Senator from Florida for his very perceptive statement.

I would like to make a couple of observations. First of all, there has been many predictions that this legislation, if adopted, is going to backfire; that is, it is going to have the opposite effect from what is intended; that there are going to be angry people in Europe

who are going to do the opposite of what we intend.

No one can deny that there will be those who will not like this amendment. But I would like to point out that just this week, in a conversation with one European parliamentarian, he asked me to send the material to him to help him argue the case for increased spending on defense in the Bundestag. He said to me that it is about time that the United States speaks up and supports those that are trying to help them in Europe.

I would also like to make one other observation. It has been said that we should not speak frankly; this is not the time for this country or this Congress to tell Europe what we think.

Let me just point out the fact is that the Europeans have been very frank with us. And for us not to reply I think would be a serious mistake.

It has been said that there is evidence that the Europeans are moving ahead. But where is that evidence? I would submit that the opposite evidence is available.

For example, the NATO Assembly, in their reports, has said very precisely that there is no prospect for additional real growth in most European defense budgets over the next 5 years, even among defense-minded conservative governments, such as in the United Kingdom and the Federal Republic of Germany.

If we do not respond to that statement, then we are acquiescing to Europe doing less. I think that would be a mistake. And I must say that I think it is important that the message, the clear signal be given to Western Europe, that we expect them to keep their commitment. I again congratulate the distinguished Senator from Florida for his statement.

Mr. CHILES. I thank the Senator from Delaware.

I yield to my good friend, the junior Senator from Delaware.

Mr. BIDEN. I would like to ask the Senator from Florida two questions. I point out that there is not anything that the Senator from Delaware, Senator ROTH, has just said, nor much of what the Senator from Florida has said that I disagree with. In fact, the only message worse than sending the message that is being asked to be sent here is to vote on it and not send a message.

So I am in a difficult spot. I will end up voting this because the only thing worse than this passing is its failure. My concern should not have been brought up in the first place. My question is this: The Senator from Florida makes a very, very compelling case about why the Greens and the other parties that I mentioned would in fact rather see this than not see it because it will move Europe away from reli-

ance on nuclear and more to conventional. That makes absolute sense.

On the merits, the Senator is correct. On the merits, it is an amendment on which the Senator from Georgia is absolutely correct, and my colleague from Delaware is absolutely correct. But that is not how human nature works.

My question is this: Does the Senator from Florida believe that the freeze movement in the United States, which is kids' play compared to the peace movement in Europe, if given the option of cutting our nuclear program, if in fact we would significantly increase our conventional capability—that those freeze people would be for the increase in conventional forces?

Mr. CHILES. I think they would be for the cutting of our nuclear forces.

Mr. BIDEN. How about the second part?

Mr. CHILES. I think if they thought that they could get the cut of the nuclear forces to have the money go the other way, yes, I think they would be for it very quickly.

Mr. BIDEN. I have a second question. I come to a different conclusion.

My second question—and I will not thrust this upon the Senator's good graces, which are particularly good in light of the fact I would not let him ask me questions—is the Senator aware that of the origins of the 3-percent decision—the Senator from Georgia is right about the origins of the TNF decision. I might point out parenthetically that I mentioned it was Helmut Kohl in the statement that I made about why we got to the point of deployment. But between the years 1971 and 1982, is the Senator aware that France increased its military budget in real terms 42 percent; Germany, 27 percent; the United Kingdom, 12 percent; Belgium, 46; Holland, 16; Luxembourg, 89?

During this period of time we in the United States were not meeting our commitment, and the reason for the 3 percent, I would ask, was in order to put pressure on the United States to increase its spending? It is a distinction I will argue with a difference. It does not say there has not been that agreement. There has. The Senator is right. There was agreement. Does he agree with my interpretation as how it came about?

Mr. CHILES. I do not disagree with the Senator's interpretation, but we did rely, and we did meet our agreement. We have more than met it, and considerably more than met it, but agreements are not what really concerns me. What really concerns me, the Senator from Florida, is to me this shocking information. I say shocking, and I say when it hit me, it hit me like a ton of bricks to find out after all of the debate we went through on whether we should have registration or not, the reason we should have registration

was to speed up the time, cut the number of days because if we had a battle in Europe, we were going to have to resupply, that the whole thing—it has always been told to us that the Russians have the tremendous advantage in the first 2 weeks. We have to survive over that period of time. We have to then hold for the next 10 days after that. At the end of 30 days, it starts. If we are still alive, still there, still have our beachhead, and we begin to resupply, and it starts to turn in our direction. I think all of us have felt that is our conventional defense. That is our structure.

To find out that we literally will not have the time to do that, that that is true today, just frightens me to death, and shocks me to death. I would say to any of our European friends, I think it has to frighten them to death.

If they are strong enough to decide they would take the Pershings in the face of this protest—and I think that was a noble thing to do, it was a strong protest, but if they were strong enough to do that, surely if they really understand this, if they start thinking about it on this ammunition, and the fact that we have to have some place to put our planes, all of these things to have a conventional deterrent—I think they will go along with it.

Mr. BIDEN. If the Senator will yield just one more moment, I say to my colleague I think every point he makes is absolutely accurate. My concern is to make clear the timing of this. I would much rather than this see us doing this in the beginning of next year, after the deployment is well underway in three of the five countries we are talking about, and giving them an opportunity to then make the next move or face the consequences. But given the option that I have—which will be to vote against this now that it is up here—I am going to have to vote for it because I think the Senator is right. An even worse message is that the U.S. Congress, once having brought this to the point of debate, is not willing to ask them to do what they should. But I still say to you that I think it is very bad.

Mr. CHILES. I think I will sit down while I am ahead.

Mr. BIDEN. I am going to stop, too.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, the Senator from Georgia has asked a hard question but he has asked it in the right way. He has not posed the same question that Senator Mansfield asked so often—"How many troops shall we bring home from Europe?" The Senator from Georgia asks, as I hear him—"How many troops should we keep in Europe?" There is a big difference in philosophy and in tone between these questions. The question posed by Senator Mansfield may have been appropriate when he asked it,

but it would be inappropriate in the changed climate of 1984. Today such a question would confuse our allies and send the wrong signal to the rest of the world. But when the Senator from Georgia asks how many troops we should maintain in Europe, he sends no such signal. At least, I do not think he intends to send such a signal. On the contrary, he addresses himself to housekeeping issues within the Atlantic community; in other words, to who is bearing the burden within the family.

There is no single indicator which can serve as an adequate basis for the assessment of equitable burden sharing. The NATO allies make important contributions to defense that are not easily quantified in the way defense spending is usually measured. Contributions, such as allied host nation support, West German support for Berlin, the earmarking civilian assets for defense, resource contributions to less-developed countries—all must be considered in rounding out the total expenditure picture. The data on allied defense efforts must be viewed in historical perspective as well. In short, burden sharing is not a simple comparison of expenditures but must somehow be translated into an equitable measure of sacrifice relative to a nation's capability.

On the basis of historical trends, non-U.S.-NATO allies have gradually taken on more of the common burden. For example, between 1971 and 1981, real U.S. defense spending declined by about 7 percent. On the other hand, NATO defense spending excluding the United States and Japan increased by 27 percent over the same 10-year period. For that same period, U.S. active duty military and civilian defense-related manpower declined by almost 20 percent, while that of the NATO allies declined by only 3.5 percent. So, Mr. President, we see that these burden-sharing comparisons must be made not in a single year but over an extended period of time.

The United States is now engaged in an effort to redress some of the deficiencies that occurred during the years when defense resources were steadily declining. Thus, the burden sharing pendulum is only now beginning to swing in the opposite direction, at least for some indicators. For example, U.S. increases in real defense spending have exceeded the increases of the non-U.S.-NATO allies in recent years.

Over the years several programs have been developed within NATO for the cooperative development and production of NATO weapons. Among these are coproduction, dual production, and the families of weapons concept. These programs all involve the sharing of development and production costs and have produced large savings in research and development

costs to countries. Such programs are one on the primary avenues of technology transfers among the nations of the alliance. We should encourage weapons programs operating in both directions. For example, the United States has bought the MAG-58 machinegun and the 120-millimeter tank gun from Europe and European manufacturers have fabricated the F-16 airframe and components.

In defense equipment trade, the balance is clearly tilted in the U.S. favor. In dollar terms we sell approximately six times more equipment to Europe than we buy from them.

Identical amounts of dollars will not necessarily translate into identical amounts of military capability, particularly since some allied countries get their manpower at a lower cost. The defense effort of countries which rely mostly on conscripts receiving pay below that which would correspond to the value of their services to the economy is therefore somewhat understated in relation to that of other countries with volunteer forces—for example, West Germany, the Netherlands, Norway, and Denmark.

In addition to military assistance, which is included in NATO's definition of defense expenditures, most industrialized NATO nations extend various types of developmental assistance to developing countries in excess of similar U.S. assistance. In fact, since 1979, every industrialized member of NATO except Italy has spent a larger percentage of their GDP on official developmental assistance than the United States. In the cases of Denmark, France, the Netherlands, and Norway, the percentage is regularly three to five times that of the United States.

West Germany makes substantial outlays for the defense of West Berlin which include the support of three allied garrisons—United States, United Kingdom, and France. Due to several wartime and postwar agreements, West Berlin expenditures—even those for garrison maintenance cannot be included as defense expenditures in NATO tallies. Yet it is alliance doctrine that the defense of West Berlin is a NATO commitment. If the funds West Germany spends in West Berlin—over \$7 billion per year—were included in her NATO total, her officially documented alliance burden sharing level would rise by 25 percent.

Some NATO nations, especially West Germany, incur additional expenditures by hardening or building redundancy into civil projects such as roads, pipelines, and civilian communication systems. Much of this expenditure, as well as real estate provided is not reported under the NATO definition of defense expenditure. In addition, the value of civilian assets such as trucks that are planned for military use in time of war, cannot be counted. Again, this is particularly true for

Germany, which has a significant program for registration of civilian assets that would be used by the Bundeswehr and allied forces in wartime.

After 2 years of negotiations, the Germany/United States Host Nation Support Agreement was signed in April 1982. Under the terms of agreement, Germany will provide approximately 93,000 reservists in support of U.S. forward-deployed and reinforcing troops in Europe during crisis or war. This support includes security of U.S. Air Force facilities, support of USAF elements at collocated bases, airfield damage repair, U.S. security of U.S. Army facilities, transport, transshipment and resupply services, and more. In addition, Germany will provide crucial support to U.S. forces from the civilian sector.

The costs of the programs mentioned are shared equitably by the United States and Germany. Other host nation support initiatives have been signed with Belgium, the Netherlands, and Luxembourg.

I fear that congressional efforts to encourage increased contributions by our NATO allies could, in the current international climate, be counterproductive. For example, there is no evidence to indicate that U.S. troop withdrawals would spur our allies to do more. On the contrary, to many Europeans, a unilateral withdrawal could convey the impression that the United States no longer considers the Warsaw Pact a threat. U.S. admonitions to the allies to do more would be met with considerable skepticism. For other Europeans, a unilateral U.S. withdrawal would lead to the conclusion that a successful forward defense of Europe is not achievable, perhaps increasing the likelihood that accommodation should be sought with the East bloc.

So, Mr. President, I am constrained to oppose the amendment offered by my friend from Georgia. It is not so much that I disagree with the sentiment expressed in his amendment as that the formula proposed will serve only to antagonize our NATO allies. It is appropriate to air the concerns contained in the Senator's amendment and to do so regularly and candidly. This has been done ever since I became a Member of the Senate. And I applaud such discussion. In time and after further consultation here at home and with other NATO countries it may even be proper to establish conditions such as those proposed by the Senator from Georgia. But today is not the proper time.

Mr. NUNN. Mr. President, will the Senator yield for a brief observation?

Mr. MATHIAS. I will yield for a question.

Mr. NUNN. I do not have a question.

Mr. MATHIAS. Make it a question.

Mr. NUNN. I thank the Senator for his remarks, and I thank him for his

leadership. He is an outstanding leader in the Congress.

I would ask the Senator from Maryland if that, indeed, was in the form of a question?

Mr. MATHIAS. It sounded like a question to me and, indeed, a very good question.

Mr. President, I yield to the Senator from Illinois for a question.

Mr. PERCY. The Senator from Illinois wishes to make a statement.

Mr. MATHIAS. Mr. President, I yield the floor.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I rise in support of the Nunn-Roth amendment, which I have cosponsored, to strengthen the conventional defense of NATO.

Mr. President, one of the arguments against the amendment is that it has a punitive aspect to it—that we are seeking to punish our NATO allies for their burden-sharing failures.

The amendment of the Senator from Georgia is not punitive. The present circumstances in Europe are punitive. It is the status quo which is punitive. The amendment seeks to change that status quo.

The status quo is punitive because our Armed Forces, if they have to go to Europe to fight a conventional conflict, would be severely jeopardized by the circumstances that exist there.

It is punitive because our Armed Forces would find themselves in a war that they would have difficulty prevailing in because of the failure of our European allies to carry their fair share of the burden of the common defense.

It is the status quo which is punitive, and which this amendment seeks to change, because the American taxpayer is punished when we carry far more than our fair share for the common defense.

It is the status quo which is punitive when the world is placed in jeopardy by NATO's excessive reliance on nuclear weapons, which results from our European allies not carrying out their commitments to help improve the alliance's conventional military capabilities.

Mr. President, this Nation is shouldering an unfair proportion of the cost of defending our common interests. To tell it straight and to put it in a nutshell, we are being taken advantage of by our allies, many of whom watch us spend more and more each year, while they spend less.

The issue is not whether we have a stake in the freedom of Western Europe, Japan, or other areas. We do.

The question is whether they have at least as great a stake as we do in their own freedom, and whether the commitments they have made to share

the costs of the defense of freedom should be kept.

Yes, we have a stake, certainly, in the defense of our allies, but surely we do not have a greater stake than they do, and surely we have an obligation to our own military forces to make sure that they have a chance to prevail in a conventional military test.

Without the Europeans carrying a fair share of the burden, our forces have much less of a chance.

The only response that we get from opponents of this amendment is that this is not the right time nor the right place for it. Mr. President, that is the same refrain that we have been hearing for years. "Use diplomacy," we have been told. "Use diplomacy, quiet diplomacy."

Let us take a look at what that has produced in the last few years in terms of burden sharing.

Despite their 1977 commitment to increase defense spending annually by 3 percent after excluding inflation, our NATO allies had an average 2.8-percent increase in real growth in their defense budgets in 1981. In 1982, that average went down to 2.3 percent real growth. In 1983, it declined to about 2 percent real growth. In 1984, it is tentatively projected that the average real growth for non-United States-NATO nations will be only between 1.2 and 1.7 percent—the lowest average ever since the NATO heads of government endorsed the 3-percent commitment in 1978.

That is what our quiet diplomacy has produced over the last few years with our allies, a steady reduction in non-United States-NATO nation burden sharing.

To opponents of this amendment, I would ask, do you have any alternative ideas that have not already proven unsuccessful in getting our allies to keep their commitments to us and to each other? Do you have any new ideas, other than "quiet diplomacy," to get our allies to carry out their commitment to increase annually their defense budgets by 3 percent after inflation?

The sorry record of broken commitments by many of our NATO allies and Japan is outlined starkly and in detail in the Defense Department's report on allied contributions to the common defense. Known as the burden-sharing report, this document is required annually from the Defense Department by an amendment which I offered to each of the last four defense authorization acts. Each year this report demonstrates that many of our allies, and NATO overall, except for the United States, continue to fall far short of meeting their formal 3 percent commitments to maintain and improve our mutual security.

The most notable laggards appear to be the nations with the strongest economies, such as Japan, West Ger-

many, Denmark, the Netherlands, and Norway. The latest version of this report highlights this irony.

It is a sad state of affairs for our mutual security, as well as for the American taxpayers, when the United States and just a few of our NATO allies are keeping their commitments and thereby bearing an unfair share of the common defense burden.

This amendment is a necessary and prudent response to the continued reluctance of several of our allies to keep their promises regarding our mutual security. It is an appropriate method to encourage them to put their yen, their marks, their dollars, their kroner, and their guilders where their mutual commitments are.

I want to emphasize that the purpose of the amendment of our friend from Georgia is not to bring our troops home; it is to protect our troops in Europe. It is exactly the opposite of the Mansfield amendment. Our friend from Georgia does not seek to bring our troops home. He seeks to give them a chance on the European battlefields, should war come. He seeks to reduce the risk of nuclear annihilation.

Again, there is no punitive aspect to this amendment. This amendment seeks to change a state of affairs which punishes our fighting force, our taxpayers, and ultimately the world because it places excessive reliance on nuclear weapons to defend NATO.

The burden-sharing reports that I have mentioned from the Department of Defense focus their harshest critique of allied defense efforts on Japan, which clearly deserves such criticism.

An unclassified conclusion in the classified report comes the closest the American Government has ever come in recent years to accusing Japan of abusing its alliance relationship with the United States and taking unreasonable advantage of our Nation. Here is what the 1984 Pentagon report says about Japan's defense contributions:

But there is no doubt that the Japanese remain content to limit their investment in defense to a level so low as to cause a disproportionate share of defense commitments to be borne by the rest of the free world. Specifically, Japan's failure to provide adequately for its own defense requires the U.S. to attempt to cover Japanese defensive requirements in addition to other Asian commitments. To attempt to perform all of these roles simultaneously stretches U.S. resources beyond reasonable limits.

Mr. PRESIDENT. The amendment now before us does not deal with Japan, but I hope the Japanese understand clearly its implications for them. Unless Japan substantially increases its burden-sharing performance—unless it begins to meet its willingly agreed-to commitments—I am confident Congress will consider similar legislative proposals affecting our Pacific troop levels.

Mr. President, I am wondering if I could ask my friend from Georgia in this regard whether or not, if this amendment is adopted—or, indeed even if it is not adopted—some appropriate action in future years should not be considered to try to seek to get the Japanese to do more and to assume a fairer share of the common-defense burdens.

Mr. NUNN. Mr. President, the Senator from Michigan, I think, has expressed it very well. I agree with him, the situation relates to the United States and Japanese alliance, which is vastly different in the military sense from the NATO alliance. It is different in concept, different in treaty obligation, it is different in threat, it is different in perception of the public in both countries. Yet there are some similarities that I think at some point need to be addressed because, as we try to protect NATO and live up to our commitments there, our commitments in Northeast Asia; as we try to keep our commitments in keeping the lines of supply open in the Pacific; as we try to expand our commitments in the Persian Gulf and basically protect more and more the Japanese and European interests there; as we expand our commitments in Central America and the Middle East, as all of those things occur, we simply have to have help. We have to have an awful lot of help.

No country in the world has as much potential for help, not just in the military sense but in the economic sense, in the foreign aid sense, and in the overall diplomatic sense, as Japan—as much potential that is not yet fulfilled.

There is a whole history of reasons relating to the present Japanese reluctance to increase their own share of the military burden. Some of those are valid, some are not, are purely spurious. They have to be addressed.

It is not an easy problem. We do not have a specific set of goals laid out as we do in NATO. But the Senator is correct: There is a burden there that has to be borne by Japan much more than they are presently doing, both in defense and in economic terms.

Mr. LEVIN. I thank my friend.

Mr. President, the 1984 burden-sharing report presents distressing evidence about the lagging defense burden sharing efforts of our European allies, based on several meaningful ways to measure military contributions.

Among other measures, the report examines the percent of gross domestic product (GDP) devoted to defense, defense spending per citizen, GDP per citizen, defense contributions compared to the ability to contribute, whether each NATO Nation is meeting the alliance commitment to increase military budgets annually by 3

percent after excluding the impact of inflation, and defense manpower.

By these standards, many of our allies are not bearing an equitable share of the defense burden and the United States is carrying a disproportionately heavy share of the load according to this latest Defense Department report. Specifically, the report shows that we carry more than our fair share, NATO less than its fair share, and Japan lags behind considerably.

On a per capita basis, the United States far exceeds all its allies in defense spending. We spent \$819 per American citizen in 1982, the latest year for which information is available in the report; our nearest ally—financially—was the United Kingdom, which spent \$467 per capita. Thus we spent almost twice as much as Great Britain on defense, and more than that compared to other allies.

Relatively rich NATO nations did poorly by this measurement: Norway—\$412 per capita; West Germany—\$363; the Netherlands—\$312; Belgium—\$293; Denmark—\$272; and Canada—\$257. Japan, with the worst performance of all among rich nations, spent only \$93 per citizen in 1982.

On the two most important selected indicators comparing contribution with ability to contribute, the U.S. ranks second and fifth among all NATO nations and Japan. No economically well-off nation exceeds our performance in these categories, and Japan ranks last.

The report's assessment of our NATO allies' compliance with the 3-percent annual real growth commitment is bleak. It more than justifies this amendment requiring average future accomplishment of this objective as one of the requirements our European allies must meet to avoid future American troop withdrawals.

The report concludes:

Many of our allies in NATO cite the fiscal stringencies imposed by the recent recession as precluding the levels of defense spending necessary to meet Alliance targets for readiness improvements and essential modernization. The classic dilemma of limited resources versus competing demands has forced allied Governments—like that of the United States—to make hard choices and set priorities. While this prioritization process has, in the case of the United States, produced constant dollar increases in defense spending over the last three fiscal years that exceeded the 3 percent target figure NATO adopted in 1977, real growth in defense spending for a number of our NATO allies has been below 3 percent, and a few allies have experienced negative growth.

It continues:

Six of our allies (Canada, France, Italy, Luxembourg, Portugal and the UK) had increases in the region of 3 percent or more in 1980. (NATO interprets "in the region of 3 percent" as any increase of 2.8 percent or greater.) The list of allies reporting such increases in 1981 also includes six nations (Canada, France, Germany, Greece, Luxem-

bourg, and The Netherlands), while Norway came close with an increase of 2.7 percent. Six nations (Canada, Italy, Luxembourg, Norway, Turkey and the UK) were also in the 3 percent region in 1982.

Estimates reported to date for 1983 indicate that four countries (Canada, Luxembourg, Norway and the UK) achieved increases in the 3 percent region, while The Netherlands came close with estimated increases of 2.7 percent.

The United States is spending far more of its much larger gross domestic product on defense than any other NATO nation and Japan. In 1982, we spent 6.5 percent of our GDP on defense. Other economically strong allies spending far less were West Germany—3.4 percent; The Netherlands—3.2 percent; Norway—3 percent; Denmark—2.5 percent; and Canada—2.1 percent. By the NATO definition, Japan spends just 1 percent of its GDP on defense, although by the more popular method of measuring her military budget, she still spends less than 1 percent of her gross national product on defense.

NATO's poorest nations are spending relatively more of their national treasure for the common defense than are the much more prosperous countries. In 1982, the report shows that Greece spent 7 percent of its GDP on defense; Turkey—5.2 percent; the U.K.—5.1 percent; and Portugal—3.4 percent.

Finally, the unclassified highlights of this year's classified burden-sharing report, which—no doubt for diplomatic reasons—do not appear in the unclassified version, provide further evidence of allied burden shirking. Let me read but a few unclassified excerpts:

(1) In 1982 Belgium ranked . . . considerably below the overall NATO average of \$501 in per capita defense spending.

(2) . . . regardless which measure of burdensharing is used, in virtually every case Canada has the lowest performance of any NATO country except Luxembourg—also Japan is also lower.

(3) Denmark spends only about 2.5 percent of its GDP on defense. This is, except for Canada and Luxembourg, the lowest in NATO.

(4) For most burdensharing indicators, Germany falls in the group moderately below fully equitable shares.

(5) Norway is one of the nations of the alliance that by most indicators falls slightly to moderately below standards.

(6) Japan, the non-NATO country included in this report, ranks last or close to last on all of the ratio measures surveyed, and, thus, quite clearly appears to be contributing far less than its fair fare.

Mr. President, I ask unanimous consent that the remainder of the report is unclassified highlights and be printed in the RECORD.

There being no objection, the ordered unclassified highlights will be printed in the RECORD, as follows:

HIGHLIGHTS OF REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE, MARCH 1984—UNCLASSIFIED EXCERPTS FROM CLASSIFIED REPORT

BELGIUM

(U) In 1982 Belgium ranked 7th in per capita defense expenditures (293) about the same as the non-U.S. NATO average of 292 but considerably below the overall NATO average of 501.

CANADA

(U) Based on this record of defense spending, it should be no surprise that regardless which measure of burden sharing is used, in virtually every case Canada has the lowest performance of any NATO country except Luxembourg—although Japan is also lower.

(U) Per capita expenditure for defense has remained about \$256 from 1971 to 1982 in constant 1982 prices. For 1982, this is the 10th highest in NATO and except for Luxembourg and Japan it is only higher than Portugal, Italy, and Turkey.

(U) Military personnel strength of the Canadian armed forces decreased from 86,900 in 1971 to 82,200 in 1982, a decline from 0.40 percent of the total population to 0.33 percent of the population. This means that Canada now has relatively the smallest armed forces in NATO. When civilian personnel are included, the total defense personnel declined from 127,800 in 1971 to 122,600 in 1982, or from 0.59 percent of the population to 0.50 percent of the population. In 1982, this was above only Luxembourg's 0.36 percent and Japan's 0.22 percent.

DENMARK

(U) Denmark spends only about 2.5 percent of its GDP on defense. This is, except for Canada and Luxembourg, the lowest in NATO. It should be noted, however, that the percent of GDP for defense remained relatively constant during the 1970s fluctuating between 2.4 percent and 2.2 percent. In spite of having the fourth highest per capita GDP in NATO, Denmark spent only \$274 per capita in 1982 or about 8th highest.

(U) Military personnel in Denmark accounted for about 0.59 percent of the population in 1982, or 12th among NATO countries. When total defense manpower (military and civilian) is taken into account, Denmark used 0.80 percent of the population for defense, or 12th among NATO countries and ahead of only Canada and Luxembourg.

FRANCE

(U) In earlier years the cost of maintaining such forces has meant that France had traditionally been in the vanguard of NATO allies with respect to real annual increases in its defense budget as well as the proportion of overall financial resources it was devoting to defense. More recently, however, French defense budgets have been influenced by the unfavorable domestic economic situation. Although still considered by the GOF to be a "priority" area, defense spending nonetheless has reflected recent austere overall GOF budgetary guidelines. Thus in 1982, the Mitterrand Administration's first defense budget nominally rose 17.63 percent in comparison with 1981, a figure which represented between 3 and 4 percent real growth. In contrast, the 1983 defense budget was projected to rise by 8.44 percent, which as it turns out, was less than the rate of overall price inflation, and therefore represented a real decline.

(U) The proposed 1984 French defense budget follows the Government's stated desire to limit public spending. Current

plans call for a 11.0 percent rise over 1983, with a projected inflation rate close to 10 percent, which is virtually certain to go higher. Thus, 1984 again will be a zero (or more likely, negative) growth defense budget. The Mitterrand Administration has explained that it will be emphasizing equipment acquisition and making savings through more efficient management and cuts in operational and personnel costs. The 1984-88 military programs law authorized a reduction in manpower, with 45,000 to be cut by 1988. Official statements have stressed the desirability of a smaller, better equipped multipurpose force. To some extent, deleterious effects on readiness owing to the recent emphasis have been attenuated by voting special end-of-year supplements to meet the shortfalls in operational costs.

FEDERAL REPUBLIC OF GERMANY (WEST GERMANY)

(U) For most burdensharing indicators, Germany falls in the group moderately below fully equitable shares.

ITALY

(U) The period of expanding defense spending appears to be at an end for a foreseeable future. The 1984 appropriations request forecasts an increase in defense appropriations of 14.5 percent over 1983. The Government's inflation target for 1984 is 10, and most government department budget increases were held to that level. The negative impact on Italy's struggling modernization effort is obvious.

LUXEMBOURG

(U) For the decade of the 1970s, the percent of Luxembourg's GDP going to defense expenditures increased from 0.8 in 1971 to about 1.3 in 1982. This is commendable but still substantially below the next lowest percentage in NATO. Luxembourg was also below Japan in the early years, but climbed above by 1975 and has remained there.

(U) In spite of having the 9th highest per capita GDP of any NATO country (\$9,044), it ranked only 12th in per capita defense expenditure (\$113) exceeding only Japan, Portugal and Turkey.

(U) From 1971 through 1982 the proportion of total population in the military remained about constant at about .33 percent, the lowest in NATO tied with Canada. When total defense personnel (civilian and military) are counted, the percent increases only slightly to 0.36 percent, still the lowest in NATO.

NORWAY

(U) Norway is one of the nations of the Alliance that by most indicators falls slightly to moderately below standards. Norway is a small country and has 0.6 percent of the population (14th largest) and 0.8 percent of the GDP (11th highest) of the countries in this report. On the other hand, Norway is the wealthiest nation of the Alliance ranking highest with a per capita GDP (\$13,648) well above the U.S. (\$13,057). Its share of the prosperity index is 1.01 percent.

PORTUGAL

(U) Most burdensharing indicators show Portugal doing its share and in some cases more. Portugal is a small country which is not as economically developed as most other NATO countries. It has only about 0.34 percent of the total GDP, which exceeds only Luxembourg. Portugal ranks 10th in population with 1.4 percent of the total. Portugal's per capita GDP (\$2,365) exceeds only Turkey and is only 17 percent of the highest

nation. Portugal is above only Luxembourg for the lowest share of the prosperity index.

SPAIN

(U) Spain's defense budget policy for the period 1984-1990 was set forth in a July 1982 law to modernize and maintain the armed forces. Under the terms of this law, total budget expenditures for the ministry of defense will achieve average annual increases of 2.5 percent in real terms, and expenditures for procurement, operations, and maintenance (i.e., armed forces modernization) will achieve average annual increases of 4.4 percent in real terms. Over the eight-year period from 1983-1990, therefore, total defense expenditures will amount to about \$33 billion (in constant 1982 dollars) of which about \$20 billion is earmarked for armed forces modernization. Of this \$20 billion, 38 percent (or \$7.6 billion) is earmarked for weapons procurement.

(U) Under the terms of this law, personnel expenditures are projected to remain constant in real terms so that all expenditure increases can be devoted to procurement and maintenance. Personnel expenditures are projected to drop from 51 percent of defense expenditures in 1982 to 38 percent in 1990. This reduction in personnel costs will be accomplished by cutting current manning levels by one-third, primarily in the Army. The reduction in personnel expenditures will make it possible to achieve an annual average real increase of 4.4 percent for armed forces modernization while, at the same time, holding total defense expenditures to around 2 percent of gross domestic product (GDP).

(U) Spain's defense budget has consistently increased as a percentage of gross domestic product over the past five years (from 1.9 percent of GDP in 1980 to 2.2 percent of GDP in 1984). Over this same time period, Spain's defense expenditures achieved an annual average real growth of 5.4 percent.

(U) Spain has not yet started to report defense data to NATO. Therefore, comparable information is not available to measure burdensharing.

UNITED KINGDOM

(U) By all important measures, Britain makes a significant contribution to our common defense. Though not among the Alliance's wealthiest members, the UK has long borne the heaviest defense burden, as a proportion of GDP, of our major European allies—about five percent per year over the last decade. Moreover, in 1983 defense spending was higher in both absolute terms and in per capita terms than any other major European ally.

(U) Most burdensharing measures, except for manpower indicators, show the UK carrying at least its share of the burden and sometimes more. The UK is one of the larger countries of NATO; it is the fifth most populous country covered by this report with 8 percent of the total population. It also has the fifth largest GDP with 6.9 percent of the total. In recent years, the UK has not been as prosperous as most other economically developed European countries and now has only the eleventh highest per capita GDP (\$8,430), 61.8 percent of that of the highest country. This results in a prosperity index share of only 5.25 percent.

(U) We make continual efforts to eliminate or reduce disparities in defense efforts. The British level of effort, however, when measured in the simple terms of share of GDP going to defense, is at or beyond their fair share of the Alliance burden.

JAPAN

(U) Japan, the non-NATO country included in this report, ranks last or close to last on all of the ratio measures surveyed and, thus, quite clearly appears to be contributing far less than its fair share. This validates our major emphasis over the last several years on encouraging the Japanese to increase their defense spending capabilities.

(U) The problems in both equipment and sustainability which prevent Japan from effectively providing for its self-defense, which were pointed out in this report last year, have not been significantly dealt with in 1983, nor will the budget planned for 1984 adequately assist in what needs to be accomplished. Nonetheless, Japan did make significant progress during the year in clarifying its defense policy, which, if carried out, would provide for a realistic Japanese self-defense posture. This capability would not threaten Japan's Asian friends and trading partners, but it would realistically complement U.S. power deployed near Japan and elsewhere in the Western Pacific and Indian Oceans. This Japanese-American capability would not only make Japan's local security more assured but also would significantly complicate Soviet planning and thereby aid deterrence. Japanese defensive power in the Northwest Pacific complemented by U.S. offensive mobility would allow U.S. Forces to operate more flexibly throughout the Asian Pacific/Indian Ocean theater in the interests of the U.S., Japan and other Asian countries.

(U) In the evolution of defense policy, 1983 was an eventful year in Japan. Sparked by Prime Minister Nakasone, the Japanese Government made clearer its intention to carry out defense responsibilities realistically. In January, Japan exempted the U.S. alone from Japanese restrictions on the export of defense technology to foreign countries, acknowledging that the United States was a special case deserving separate treatment as a matter of reciprocity. Later the same month, the Prime Minister visited Washington and signaled Japan's need to protect itself by calling for the Japanese islands to become an invulnerable air defense barrier through which Soviet aircraft cannot penetrate. He also supported Japan's possessing the capability to provide defense of the straits between the Pacific Ocean and the Sea of Japan, and reaffirmed his predecessor's policy of defending the approximately 1000-mile sealanes southeast and southwest from central Japan in the directions of Guam and the Taiwan Strait, respectively.

(U) The recent economic performance of Japan compares favorably with that of most other industrialized countries, the United States being a significant exception in some respects. Japan's Economic Planning Agency projected in December of last year real GNP growth in Japanese Fiscal Year (JFY) 1983 (ending March 31, 1984) at 3.4 percent (after 3.3 percent real GNP growth in JFY 1982), consumer price inflation at 3.3 percent and trade and current account balances of \$20 billion and \$9 billion, respectively. Private forecasts published in October and November generally agree that the economy will achieve the EPA's forecast growth rate in JFY 1983, but project considerably larger trade and current account surpluses, usually exceeding \$30 billion and \$20 billion respectively, and even lower inflation. Early private forecasts of real GNP growth for JFY 1984 have ranged from 3.7 percent to 4.4 percent and usually have

forecast still larger trade and current account surpluses, despite continuing limitations on a wide variety of Japanese exports either because of or to avoid frictions with Japan's trading partners.

(U) The prospect of long-term budgetary restraint insures that defense budgets, thus far excepted from the low-growth or no-growth ceilings placed on the spending of other ministries, will continue to come under pressure from the budget compilers of the Ministry of Finance and will continue to spark political controversy.

(U) Evaluation of Japanese performance toward achieving self-defense has been based on measuring the gap between targets given in official defense planning statements—particularly the Defense Agency's Mid-Term Defense Plan (MTDP)—and the funding of that plan provided in the annual defense budget. The MTDP is a five-year plan for equipment procurement and force augmentation, revised annually and completely rewritten every three years, and is the yardstick against which progress represented by annual budgets can be measured. The current MTDP was established in 1981 to cover the period 1983-87.

(U) Japanese progress toward completion of the 1983-87 MTDP is now at least a year behind schedule unless significant increases in the defense budget can be made in the remaining two years of the program. Major equipment purchases have fallen short of annual goals, and Japanese defense procurement plans have seriously neglected the stockpiling of ammunition for training and war reserve and the acquisition of spare parts. It is now highly unlikely that the JSDF will achieve its stated goal of having at least a 30-day supply of war reserve material by the end of the current MTDP. Shortfalls notwithstanding, various U.S. experts have questioned the adequacy of the current MTDP itself to provide Japan with the capability to accomplish the role and missions required of a credible defense.

Mr. LEVIN. Mr. President, such disappointing defense efforts by many of our NATO allies and Japan cannot continue without further jeopardizing our national security, and the amendment before us is an attempt to prevent this from happening.

In supporting such an amendment, I recognize that our allies in NATO and Japan contribute more than is commonly realized to our mutual defense, and I understand the methodological and philosophical difficulties attendant in trying to measure what constitutes a fair share for each of our allies.

But the present sacrifices being asked of the American people to support defense improvements for the common good must be shared more fully by our alliance partners. This more mutual sacrifice is in the long-term best interests of all our nations, as well as of the rest of the free world.

This amendment is not an unreasonable effort to impose new burdens on our NATO allies. Nothing in it requires the allies to do anything that they have not already willingly agreed to do in NATO agreements at the highest levels.

This amendment ties future U.S. troop strength in NATO to progress

by the allies in improving conventional defense capabilities in the areas of sustainability, and sheltering, and supporting U.S. tactical combat aircraft sent to reinforce Europe if war breaks out.

We are calling on our allies to buy more ammunition and other munitions, so that they may reach NATO's 30-day sustainability goal within the next 5 years. We are calling on them to increase their contributions to NATO's commonly funded facilities improvement program so that the alliance can build enough hardened shelters in the next 5 years to protect all the tactical combat aircraft we will deploy to Europe from the United States in the early days of a conflict.

We are calling on our allies to meet the mutually agreed upon 3-percent annual real growth in defense spending commitment, and we are calling on our allies to make significant progress to lengthen the interval between the beginning of a conventional attack by the Warsaw Pact and the time when NATO's commander would have to request permission to use nuclear weapons to prevent an alliance defeat.

A major goal of this amendment is to raise the nuclear threshold in Europe, Mr. President, something our allies should desire as much as we do.

This amendment improves NATO's conventional defenses not only to increase deterrence to a conventional war, but to enable NATO to fight long enough on the battlefield to avoid a hasty, possibly desperate decision to use nuclear weapons first. Such a momentous decision should not be made under such circumstances, for the fate of the world literally could hang in the balance.

NATO's Supreme Allied Commander, Europe, Gen. Bernard Rogers, has provided eloquent testimony that now this would be the case. Before the House Armed Services Committee earlier this year, General Rogers said:

Allied Command Europe's current conventional posture does not provide our nations with adequate deterrence and it leaves the nuclear threshold at a disturbingly low level.

Thus, NATO's deterrence is jeopardized by our current heavy reliance on the early use of nuclear weapons to stop a non-nuclear attack. The remedy is for NATO to strengthen its conventional forces which will also raise the nuclear threshold.

In an interview last July 10, in the New York Times, General Rogers was even more direct. He stated:

We have mortgaged our defense to the nuclear response. People are concerned about nuclear weapons; the question is whether they are prepared to spend additional money to improve the conventional deterrent.

Mr. President, the price of that nuclear mortgage is too high in terms of the risks to our survival. The price of improving NATO's conventional defense is a much more acceptable bar-

gain for ourselves and our NATO Allies.

Congress has more than enough information to conclude that NATO's sustainability and aircraft sheltering capabilities need to be strengthened, as our amendment calls for, along with the accomplishment of other improvements to NATO's conventional posture.

Just 2 weeks ago, on June 7, the Defense Department delivered to Congress a special report entitled "Improving NATO's Conventional Capabilities." Several unclassified paragraphs reinforce our position here today.

In its introduction, this report states that "it is essential . . . that the alliance come to grips with the need for sustained conventional defense." The introduction further says the report places special emphasis on:

. . . urging the allies to meet minimum standards for munitions stockage and on substantial expansion of infrastructure program funding to speed completion of shelters for reinforcing aircraft. . . .

On pages 59, 60, and 90, this report concludes:

(U) The lack of adequate capability to sustain combat operations for long with manpower, munitions, and war reserve equipment to replace losses is one of NATO's most critical and persistent shortfalls. In war, such shortages would force commanders to curtail operations to avoid running out of critical consumables, and the price of such rationing would be measurable directly in lives and kilometers lost. In turn, those losses would increase the pressure on NATO to escalate to nuclear weapons. Improvement of sustainment is thus one of NATO's most critical requirements.

(U) Of all factors of sustainment perhaps ammunition stocks receive the most attention, and for good reason. History records that of all the reasons given for military defeat, running out of ammunition ranks near if not at the top. In our judgment, the need to increase munition stocks is important enough to give that effort a higher priority, if necessary, than the priority given to other force improvements which may be currently in national programs.

Mr. President, no Allied country has reached the NATO agreed goal of a 30 days supply of munitions. Most allies have indicated that they plan little or no progress toward this goal in their current 5-year budget projections. During this same period, the U.S. plans to spend \$52 billion to increase its already substantially larger ammunition stocks.

The Protective Sheltering Program already lags well behind the number of aircraft the United States has committed to deploy to NATO during the outbreak of a war, a situation which only increases the vulnerability of our expensive tactical combat aircraft once they arrive in Europe.

Our amendment is the proper incentive to our allies to reverse this situation in an affordable manner.

Mr. President, I would like to address some of the arguments used against this amendment. Some contend that this proposal signals a future U.S. withdrawal from NATO, and that this will be used by some European nations as an excuse to decrease their common defense efforts.

If anything gave the Europeans an excuse to decrease their defense efforts, and in fact, ultimately created the need for our amendment, it was this administration's statements when it came to office that there was no magic to the 3-percent commitment. Those statements severely undercut the NATO 3-percent commitment and basically let the allies off the burden-sharing hook.

This amendment is intended to try to solve the burden-sharing problems this administration caused early in its term by minimizing and dismissing the importance of the 3-percent commitment. The administration should join with the Congress to support our amendment. The administration should view our amendment as a complement to its own efforts, albeit belated, to obtain increased allied defense efforts.

Administration opposition to our amendment runs directly counter to its own words earlier this year, as expressed by Vice President Bush at the prestigious annual German-American Wehrkunde Conference on NATO security. That speech actually was read by our committee's chairman in the Vice President's absence.

On behalf of the Vice President, Chairman TOWER read:

In strengthening our conventional forces, our efforts must be reinforcing on both sides of the Atlantic, especially in the troubled economic times from which my country, as well as yours, is now emerging. Americans have been mindful that the United States devotes a much higher percentage of its GNP to defense than do our NATO allies. Americans have noticed that, in the last couple of years, our defense contribution has grown by multiples of the three percent annual increase agreed by the NATO heads of government in 1978, while more and more of our allies have fallen behind. Clearly, the Alliance as a whole must contribute to the effort needed to strengthen the conventional element of the NATO triad.

We recognize the difficult economic problems many of our allies face, and NATO has never demanded that its members do the impossible. But speaking as a politician, I can tell you that continued increases in the U.S. contribution to NATO's defense will only be possible, if the effort is seen to be mutual.

Now Chairman TOWER and the administration are arguing against an amendment which is designed to make this NATO defense effort much more mutual. Yet our amendment simply reinforces this message to our allies from Vice President Bush.

There are limits to the private diplomacy the administration tries to prac-

tice on burdensharing issues, and Congress, as the elected representatives of the American people, is best able to practice the public and legislative diplomacy which is needed to achieve the objective of expanded allied defense contributions.

If the administration is as genuine in its desire to achieve this objective as it claims, it will recognize this and join in supporting our amendment.

This amendment will not unravel the NATO Alliance. Indeed, the contention that this will happen if our effort passes, is contradicted by recent statements from NATO's retiring Secretary General, Joseph M.A.H. Luns.

In the latest edition of NATO Review, published and distributed by our own State Department in April, Secretary General Luns concluded that, despite disagreements among NATO Allies in the past 4 years:

"... time and again, NATO's commitment to mutual consultation and co-operation triumphed. I am proud to say that the alliance has again reached an admirable degree of unity and concertation, ..."

He continued:

What, in short, I am saying is: NATO, entering its 36th year, is after all in pretty good shape!

The political solidarity of NATO demonstrated in last December's successful deployment of the intermediate range nuclear forces, as well as the alliance's inherent strength which has permitted it to weather even more severe disagreements among member nations, is not so fragile that this amendment will rent them asunder.

If NATO is so fragile an alliance, it would have disintegrated long ago.

Instead, NATO remains strong, and it is an alliance worth a great deal to our mutual security. Its underlying cohesion will survive this disagreement among Allies on burden sharing, and our amendment is intended to strengthen this unity.

Mr. President, I commend the Senator from Georgia, who has been a staunch advocate of the NATO alliance. He has championed the alliance all the years he has been in the Senate. It is obvious this amendment seeks not to weaken the alliance, it seeks to try to make the alliance become what we all want it to be.

This amendment should be viewed by our allies as the constructive criticism it is from a nation which, according to latest Defense Department estimates, spends at least \$90 billion to help defend Europe—a defense which we all recognize is in our own best interests as it is in the best interests of the Europeans.

This amendment is not a precipitate measure to divide the alliance. Indeed, since any troop cuts which might occur under it would not begin until late 1987, our allies have almost 4 years to reverse their current burden-sharing course. I might add that, in

the unlikely event our opponents' contentions begin to appear valid, this time period also permits Congress to modify this amendment in the future before any feared negative results occur.

Instead, this amendment should be viewed for what it is—an effort which has the laudable objective of making all NATO allies safer, stronger, more secure, and better able to protect NATO's freedoms and shared values. I urge its adoption.

Mr. President, I yield to the floor.

Mr. NUNN and Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I modify my amendment by accepting the amendment of the Senator from Maine.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. NUNN. Mr. President, I ask for the yeas and nays on the Nunn-Roth amendment as amended by the amendment of the Senator from Maine.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3268

(Purpose: To prescribe an end strength level on United States forces assigned to permanent duty in European NATO countries, to request certain improvements in allied defense capabilities, and to provide for the reduction of United States forces in other NATO countries under certain circumstances)

Mr. NUNN. Mr. President, I send a perfecting amendment to the desk to the pending Nunn-Roth amendment as amended.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 3268.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the word "IMPROVEMENTS" and insert the following:

TO NATO CONVENTIONAL CAPABILITY

SEC. . (a) The Congress finds that the North Atlantic Treaty Organization (NATO) should improve its conventional defense capability so as to lengthen the time period that Western Europe can be defended adequately by conventional forces without the necessity of resorting to the early use of nuclear weapons in the event of a non-nuclear attack on any NATO member country. The Congress further finds that increasing defense spending, improving conventional sustainability, and providing sup-

port facilities in Western Europe for rapid reinforcements from the United States are crucial to accomplishing that objective.

(b) After September 30, 1985, none of the funds appropriated pursuant to an authorization contained in this or any subsequent Act may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO at any level exceeding a permanent ceiling of 326,414.

(c) Beginning on December 31, 1987, and ending December 31, 1989, the permanent ceiling prescribed in subsection (b) shall be reduced effective December 31 each year by 30,000 unless, during the previous calendar year, member nations of NATO, other than the United States, have increased their defense spending by an aggregate average of at least 3 percent, after inflation, as measured in the annual report of the Secretary of Defense on the allied contribution to the common defense required by section 1001.

(d) The Secretary of Defense may waive the reduction required by subsection (c) for any calendar year if he certifies to Congress in writing that, during the previous calendar year, member nations of NATO (other than the United States) have accomplished the following objectives:

(1) Those member nations of NATO (other than the United States) who have committed forces to the Center Region have placed on firm order, or accepted delivery of, an increase in the supply of air and ground munitions so as to reduce, on an average, 20 percent of the gap between the goal, as established in NATO Ministerial Guidance, of 30 days supply and the level of such munitions available in the Center Region of NATO as to January 1, 1985.

(2) Member nations of NATO (other than the United States) have increased the number of minimum essential and emergency operating facilities and semihardened aircraft shelters in Western Europe so as to reduce, on an average, 20 percent of the gap between the number of such facilities and shelters available on January 1, 1985, and the number required by NATO Ministerial Guidance to support, under NATO/SHAPE standards, the annual commitment of United States reinforcing tactical aircraft in the previous year's Defense Planning Questionnaire (DPO) Response. Such reduction in the gap must be accomplished by real increased spending and may not be met by reallocation within existing spending levels of infrastructure funds.

(3) The Supreme Allied Commander in Europe has certified to the Secretary of Defense in writing that in the previous calendar year the member nations of NATO (other than the United States) have undertaken significant measures to improve their conventional defense capacity which contributes to lengthening the time period between an armed attack on any NATO country and the time the Supreme Allied Commander would have to request and use of nuclear weapons.

(e) If the Secretary of Defense is unable to certify to the Congress that member nations of NATO (other than the United States) have met all three objectives of subsection (d) in any calendar year, but is able to certify that some of those objectives have been met, the permanent ceiling prescribed in subsection (c) shall be reduced as follows:

(1) If the Secretary certifies to the Congress that one of the three objectives has been met, the permanent ceiling shall be reduced by 20,000.

(2) If the Secretary certifies that two of the three objectives have been met, the permanent ceiling shall be reduced by 10,000.

(f) Whenever a reduction in the permanent ceiling is required to be made under this section in any year, such reduction shall be in addition to any reduction in the ceiling required to be made under this section in any previous year.

(g)(1) Not later than March 1 in each of the calendar years 1985 through 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status, as of January 1 of the year in which the report is submitted, of the following matters:

(A) The number of days of supply of the ground and aerial munitions in hand or on order of the member nations of NATO (other than the United States) which have committed forces to the Center Region.

(B) The number of facilities and semihardened aircraft shelters completed or under construction as they relate to the United States commitment of reinforcing aircraft in the United States Defense Planning Questionnaire (DPQ) Response of the previous year.

(C) The measures taken to accomplish the objectives of subsection (d)(3).

(2) The March 1985 report shall establish the baseline for measuring the annual performance of member nations of NATO (other than the United States) in meeting the objectives established in subsection (d) (1) and (2); the March 1986 report shall describe and employ, on a trial basis, the methodology to be used.

(3) The report required by this subsection shall also include an assessment of whether any reduction in—

(A) the gap in air and ground munitions (referred to in subsection (d)(1)) was accomplished by reallocation of funds within existing or planned spending levels; and

(B) the gap in minimum essential and emergency operating facilities and semihardened aircraft shelters (referred to in subsection (d)(2)) was accomplished by real increased spending or by reallocation within existing spending levels of infrastructure funds.

(4)(A) Beginning with the fiscal year 1986 budget submission to the Congress, but not later than March 1, 1985, and annually thereafter, the Secretary of Defense shall report to the Congress on the status and cost of the United States commitment to NATO as reflected in DPO Response and in the defense budget request. The report shall be an annual update of the Department of Defense Report on "United States Expenditures in Support of NATO", first submitted to the Congress in June 1984 pursuant to section 1107 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 677), and shall include not only the information required by that section but also information which specifically identifies those items in the Secretary of Defense's procurement budget request that are in support of United States forces committed to or earmarked for NATO.

(B) In addition to the requirements under subparagraph (A), the Secretary of Defense shall include in such report an assessment of the performance of the members of NATO (other than the United States) in the following areas:

(1) Allied contributions to the common defense (this requirement is satisfied by submission of the report required by section 1001).

(ii) Improvement in sustainability and support for United States reinforcing tactical aircraft (this requirement is satisfied by submission of the report required by paragraph (1)).

(iii) Meeting NATO force goals.

(iv) Increasing NATO infrastructure funding.

(v) Improvements in air base defenses.

(vi) Increasing trained manpower levels, particularly reserves.

(vii) Increasing war reserve material.

(viii) Improving initial defense capability.

(ix) Improving NATO's ability to neutralize enemy follow-on forces, particularly use of emerging technologies.

(x) Improvements in mine/counter mine capability.

(xi) Improvements in offensive counter air capability.

(h)(1) The Congress finds that a viable "two-way street" of defense procurement improves NATO interoperability and therefore is important to overall improvements in conventional defense.

(2) In addition to any funds appropriated pursuant to the authorization contained in section 116(a) for the activities of the Director of Test and Evaluation, Defense, the Director may utilize an additional amount, not to exceed \$50,000,000, to acquire certain types of weapons, subsystems, and munitions of European NATO manufacture (including submunitions and dispensers; anti-tank and anti-armor guided missiles; mines; runway-cratering devices; torpedoes; mortar systems; light armored vehicles; and high-velocity anti-tank guns) for side-by-side testing with comparable United States manufactured items. Such additional amount shall be derived from any funds appropriated pursuant to an authorization contained in this Act.

(i)(1) This section shall not apply in the event of a declaration of war or an armed attack on any NATO member country.

(2) This section may be waived by the President if he declares an emergency and immediately informs the Congress of his action and the reasons therefor.

Mr. TOWER. Mr. President, will the Senator from Georgia yield?

Mr. NUNN. I yield.

Mr. TOWER. Mr. President, the Senator from Georgia showed me an amendment a while ago that he wanted to offer either as an amendment to the Cohen amendment should it carry, or as an amendment to his underlying amendment. Is this amendment any different from an amendment in the second degree? The Senator has offered an amendment in the second degree.

Mr. NUNN. No, Mr. President, I say to the Senator from Texas, I certainly would regret it if the Senate got that impression. I mentioned once before that had it been voted on, had we clearly had a vote on the merits of this entire matter, at that stage, I would actively seek to modify. The amendment I have sent to the desk has a few changes but is basically the same amendment that was pending in the first degree by Senator ROTH and myself. So we now have as the pending business the amendment in the first degree.

Mr. TOWER. Mr. President, I am still unsure about what this adds to the Cohen amendment, because the Cohen amendment had much of the wording of the Nunn amendment. The Senator from Georgia showed me an amendment that he intended to offer, which I assume he has not changed.

Mr. NUNN. No, Mr. President, I am sorry. I would like to clarify that. This is not the same amendment at all that I showed the Senator when talking about after the Cohen amendment had been dealt with on its merits and voted up or down that I would ask for. This is the original Nunn-Roth amendment.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Texas does not have the floor. Did the Senator from Georgia yield for the purpose of calling for a quorum?

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I think I can explain what is happening so Senators can understand.

I think most Senators thought that once the Cohen amendment was accepted, this would dispose of the matter of the mandated troop withdrawal under certain conditions. As of now, the amendment that has been proposed by the Senator from Georgia would bring back the mandated troop withdrawals. I think everybody should understand that. So those who were supporting the Cohen amendment as a substitute for the Nunn amendment would now have to vote against the Nunn amendment to accomplish that objective.

Mr. NUNN. Mr. President, I agree with the Senator's observation on the parliamentary situation, but would only say that those who supported the original Nunn-Roth amendment would support the pending business, which is the original Nunn-Roth amendment as perfected.

Mr. MELCHER addressed the Chair. The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I find it very commendable that we have this amendment before us, the Nunn-Roth amendment. I think it is necessary and I think it is very timely; indeed, it is refreshing to find that an approach is going to be made to bring into perspective our share of the NATO defense costs. My predecessor in this seat, Senator Mansfield, offered his version of an amendment to

bring that about, which was a stronger proposal, more quickly accomplished than what has been proposed here by Senator NUNN and Senator ROTH.

I am very pleased to have had the opportunity to be a cosponsor of this amendment, and I am extremely interested that the amendment prevail with a majority of votes.

Several Senators who oppose this amendment have stated that it has merit but, unfortunately, it comes at the wrong time. Since 1945, we have carried the burden of defense costs for Europe. There never has been a right time since then to equalize proportionately by size of the countries involved and the economic capabilities of those countries, the costs of NATO defense.

Immediately after the Second World War, the devastation of Europe required the very imaginative, the bold, and the very much-needed Marshall plan. Since that time there has been the continuous need for not only our commitment in terms of personnel but also in the cost of maintaining that joint defense. We have borne that burden far too long and we can no longer afford to do more than our share. There will never be a time when, economically, our European allies will volunteer to us that they should pay a greater percentage of the burden, not as long as we will provide it, and that is not good defense at all. As was so eloquently pointed out by the Senator from Georgia, it is poor defense and it leads nowhere that is good for the joint defense of NATO.

The junior Senator from Delaware, deliberating on the merits of this amendment, finally relieved my mind when he stated that his position would be to vote for the amendment. But he posed two questions. In one of them he quoted what his father had advised him—and it was good advice—that before he made judgment on any other person or group, try walking in their shoes for at least a mile. I walked not in their shoes, not in the shoes of our NATO allies, but I walked in their countries, that is, in the countries of France, Belgium, Luxembourg, and Germany, in 1945 as an infantryman. I have a high regard for their capability in defense and a high regard for them as allies. I would not want to lose that.

The second question the junior Senator from Delaware posed was whether we would want to have missiles in our own back yard or would we prefer to pay for those missiles to be in Europe. Well, in our State we already have missiles in our own back yard. Through much of northern and central Montana, we have the Minuteman missiles. And so I say as a Montanan, like my predecessor from Montana before me, Senator Mansfield, we do have concern for our European allies and we want their friendship and their alliance to be strong and to continue. But in order for that to happen, it is

high time—almost 40 years since the end of World War II—that we have a readjustment on who pays how much of the share. We can no longer afford to pay as much as we are now paying of their share and keep up an adequate defense ourselves.

The Senator from Georgia and the senior Senator from Delaware have proposed a very meritorious, timely, and necessary amendment. I hope that we pass it because the time is right.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, it is with a profound sense of regret that I take the floor to speak in opposition to the amendment offered by the distinguished Senator from Georgia. I regard the ranking minority member of the Armed Services Committee as a man of extraordinary vision and intelligence, a Senator who has rightfully gained recognition as one of the pre-eminent military thinkers of our era. On issue after issue that has come before this body, whether it be nuclear risk reduction, the build-down proposal, or government reform, I have derived strength and confidence in knowing that I would be tackling the issue shoulder to shoulder with the Senator from Georgia. In particular with my participation in the North Atlantic Assembly and as chairman of the subcommittee on balance of payments—in other words, the burden-sharing subcommittee that we established in order to properly share burdens—we have participated together and had the closest consultations between the Foreign Relations and Armed Services Committees.

I have taken special pleasure in working together with Senator NUNN to promote and strengthen NATO, and certainly this spring I had the pleasure of attending the National Convention of Reserve Officers Association award banquet, at which Senator NUNN was honored as the individual who had contributed more to the defense of this Nation than any other citizen. In receiving this prestigious award, Senator NUNN took his place beside such legendary leaders on defense matters as Richard Russell, Carl Vincent, and Mendel Rivers, and certainly the present chairman of our Armed Services Committee [Mr. TOWER], who has rightfully been applauded and properly decorated for his devotion to building a very, very strong national defense. I can say as chairman of the Foreign Relations Committee there is no possibility of a credible foreign policy without a very strong national defense.

For these reasons, I am saddened, but it is my duty to stand in opposition to an amendment that I feel would be contrary to our common objective and purposes.

Mr. President, my sense of regret is deepened by the realization that Senator NUNN and I are fully in accord with the objectives which his amendment purports to promote. This Senator would raise no quarrel whatsoever with the proposition that our allies can, should, and must do more to contribute to the improvement of NATO's conventional defenses. In speaking against the amendment, I make no apologies for our allies' recent level of minimal defense improvements. Nor would I disguise the frustration and consternation that I feel when I read the most recent Defense Department burden-sharing report and learn that our allies are falling even further behind in their efforts to meet their commitment to a 3-percent defense spending increase.

The issue raised by this amendment is not, however, whether or not this Senator or any other Senator condones this poor level of allied performance in meeting our common defense goals. Rather, the question which must be addressed is whether the amendment itself provides an approach to meeting our goals that is realistic and likely to succeed. With the deepest respect for the sincerity of the Senator from Georgia, and in full recognition of the enormous amount of time that he and his staff have put into the drafting of this amendment, I am compelled to say that I simply believe the amendment will not achieve its intended result. On the contrary, I fear that the effect of this amendment, if passed and enacted into law, would be to provoke both confusion and resentment in Europe, and in so doing set in motion a divisive confrontation that in time could lead to the fundamental unraveling of the alliance.

No one would be more pleased to see that happen than the Soviet Union, just as they were extraordinarily pleased to see our pipeline embargo and its effect upon our allies.

Our allies are sovereign nations. They deeply resented our imposing an embargo and attempting to frustrate them in their decision to buy a very small part of their energy from the Soviet Union. It was counterproductive. It was going against what we were trying to achieve. It was causing tremendous pleasure in the Kremlin and dismay between our allies and ourselves.

So, too, I feel that this amendment and the issue raised by this amendment could possibly contribute toward not the unity of ourselves and our allies but disunity.

Mr. President, it was only 2 years ago that the United States tried to dictate various conditions and restrictions to our allies on the pipeline issue. Then, as now, the result was predictable. Sovereign nations, including the United States, simply do not take well

to attempts by another nation to dictate terms. I fully recognize that the thrust of this amendment is not to reduce NATO's military capabilities but to increase them. I recognize that the amendment is intended to get the allies to fulfill commitments that they have repeatedly pledged. But even if in their heart of hearts the allies know that this amendment seeks to achieve rational and much-needed results, they will resent it simply because it is being dictated from afar.

Yesterday, I talked by telephone with Gen. Bernard Rogers, the respected and highly capable Supreme Allied Commander in Europe. General Rogers informed me that he had just met with the 12 Permanent Representatives of those allied states participating in the integrated military command, and of the 12, 10 made a point of telling him that the amendment if passed would be counterproductive and would provide the Soviet Union with a windfall that they have thus far been unable to achieve despite all of their disruptive efforts throughout the long ordeal which has accompanied the INF deployment issue.

Mr. President, I am reminded of an old parable. The parable concerns a contest between the wind and the Sun to see who was more powerful. The wind said to the Sun, "See that man with the overcoat; I can blow that coat off his back." But the harder the wind blew, the tighter the man drew his coat about him. Finally, the Sun said, "Let me try." And the Sun just quietly shined brighter and brighter until the man, by his own volition, removed his coat.

This is the approach, Mr. President, which I think we must follow on the burden-sharing issue. As I said in a speech on this subject to the North Atlantic Assembly meeting in London 2 years ago, I believe that a great power, a superpower, leads by example. It determines the course that must be followed and, by force of logic and persuasion, encourages its friends and allies to make greater efforts and greater sacrifices than otherwise might be the case. This is the challenge, and the obligation, that now confronts the United States as the alliance tries to emerge from the economic recession while at the same time taking those steps which are absolutely vital if we are to maintain a credible conventional deterrent.

Were the United States to go the other way, to do less and to pull 100,000 troops out of Europe, just because some of our allies are lagging in their defense efforts, would be a total abdication of leadership. It would stand the alliance on its head and hold progress in meeting our mutual defense goals hostage to the lowest common denominator.

Mr. President, the debate on this bill has gone on and on. We are now well

into the 10th day and night, and well over 50 amendments have been considered. We are growing weary. Senators are understandably eager to finish this bill. Yet the amendment before us today entails the most fundamental choices concerning the future of an alliance that has preserved the peace for over three decades. As the author of the amendment himself has emphasized, the effect of the amendment, if its conditions are not met, will be to trigger an abandonment of the strategy of flexible response and put us on the road back toward a nuclear tripwire strategy.

In my opinion, Mr. President, Congress should have more time to consider carefully the full ramifications—military, political, and economic—of such a fundamental shift in NATO doctrine, including full hearings in the Armed Services Committee and the Foreign Relations Committee.

Mr. President, I hope the Senate will defeat the pending amendment.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER [Mr. MATTINGLY]. The Senator from Virginia.

Mr. WARNER. Mr. President, I have been present on the floor for several hours during this debate, and I think I can accurately say that all perspectives on this issue have been rather carefully covered.

I yield the floor to the distinguished Senator from Texas.

SEVERAL SENATORS addressed the Chair.

Mr. METZENBAUM. Mr. President, I object. One Senator cannot yield the floor to another Senator.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, it has been said in the course of this debate that the debate itself will help cure the problem which the Nunn amendment seeks to address. I do not believe that is true. We have been debating this matter, in one way or another, for many years, though I think the proposal by Senator NUNN is the most succinct and conceivably the most effective way of approaching this problem. Therefore, I will not delay this debate for more than a moment or two.

It has also been said that merely suggesting that certain steps be taken is enough. We have been suggesting for many years, and I do not believe suggestions are enough. Therefore, I support the proposal by Senator NUNN and Senator ROTH.

It is not merely a matter of dealing with our economic needs. We are spending vast sums on the defense of Europe. The basic question is, should we be doing that; but, more important, Should we continue to spend money in

ways that are not really meeting our needs?

The next to the last paragraph of the letter addressed to us by Senator NUNN and Senator ROTH reads:

In summary, the United States cannot continue to expend billions and billions to prepare for the conventional war that our Allies are not prepared to fight. These precious resources are better applied for other purposes, to meet our other worldwide interests and commitments.

The heart of the issue before us is whether we are going to find ways to reduce the danger of nuclear war in Europe. For all the reasons that have been expressed, that is what is really at stake here. That is why I support the Nunn amendment.

I do hope that, in the course of time, we will find that we can reach, through negotiations, a situation where we need not spend vastly increased sums on conventional methods of war and means of war as we reduce what we are investing in nuclear weapons. But that day has not yet come, and I therefore support the proposal of the Senator from Georgia.

Mr. METZENBAUM. Mr. President, the amendment offered by the Senator from Georgia says to our NATO allies precisely what needs to be said—that the time is coming to an end when the United States can be counted upon to bear a disproportionate share of the cost of defending Europe. I am pleased to join him as a cosponsor.

The NATO alliance was formed at a time when the nations of Western Europe had only begun to recover from the devastation of World War II.

Britain was exhausted. France, Italy, the Benelux countries all had been battlefields. Germany was devastated.

At that time, only our country had the wealth and the will to save Western Europe from internal turmoil and external aggression. And we did so.

The Marshall plan is undoubtedly one of the great success stories of this century. And so, I would add, is NATO—the heart and soul of a security system that has for nearly 40 years now kept the peace in Europe.

Today, our European allies are strong.

They are rich—per capita income in several of the NATO countries now equals or exceeds our own.

But, Mr. President, when it comes to contributing to the common defense, our NATO allies seem to think that their circumstances and ours have not changed in the past four decades.

At a time when we in the United States are pouring unprecedented resources into defense—including the defense of Europe—our NATO allies are telling us they cannot afford to carry their fair share of the burden.

Their motto is "Let Uncle Sam do it."

We are today spending in excess of \$100 billion a year to defend Europe.

A million Europeans owe their jobs to the U.S. presence.

For the past 4 years, we have increased our annual spending on NATO by between 4.9 and 9 percent per year.

And what have the allies done.

Their expenditures in this same period have increased at an annual rate of between 1.2 and 1.7 percent.

The allies have failed to stockpile adequate supplies of ammunition. Not one of them could today sustain combat operations for 30 days.

And by their unwillingness to act prudently to provide for their own defense the NATO allies have moved themselves—and us—closer to a nightmare choice between intimidation by the Soviet Union and nuclear war.

That is so, Mr. President, for the simple reason that the Soviet Union and its allies can today credibly threaten to militarily overrun Western Europe by purely conventional means. And as long as that remains true, we must rely primarily on nuclear weapons to deter any Soviet adventure.

The Senator from Georgia has rightly pointed out, Mr. President, that the failure of the allies to meet their NATO commitments raises grave doubts about our role in the conventional defense of Europe.

If the forces of our allies are unprepared to resist a Soviet attack, what good does it do to keep 365,000 American troops on the line?

If escalation to nuclear weapons would be all but inevitable, why should we spend billions on prepositioned equipment on Europe?

Why should we designate four divisions as NATO reinforcements? Or build up our NATO-designated tactical air wings and transport capabilities?

It makes sense to do these things, Mr. President, only if our allies are prepared to invest in a credible conventional defense, a defense that could raise the nuclear threshold.

And that is precisely what the Nunn amendment is designed to encourage.

I do not believe that the Nunn amendment is in any way offensive to our allies.

It asks of them nothing they have not already agreed to do.

But I do believe that this amendment reflects accurately the feelings of the people of this country.

The American people support NATO—and so do I.

But I think that there is a deep resentment in this country—which I share—of our bearing an unfair proportion of the NATO burden.

And I believe that there is also a widespread sense that we are too easy—too eager to help—too willing to do for others what they should be doing for themselves.

I share that feeling.

And I hope, Mr. President, that the Senate will adopt this amendment and send thereby a message, loud and clear, that this country cannot, should not, and must not be expected to go it alone in defense.

Mr. GOLDWATER. Mr. President, I have spent all day listening to the debate. I only have one thing to say.

When the Senator from Ohio says we are in Europe to protect the Europeans, he is just as wrong as he can be. We are in Europe to protect us.

Mr. BYRD. Mr. President, I wish to commend the distinguished senior Senator from Georgia [Mr. NUNN] for this important initiative. He is without a doubt one of the most thoughtful, innovative, knowledgeable, and respected Senators on defense matters to have served in this body for many years.

Mr. President, the burden for the common defense of Europe and the United States requires an initiative which will shake up the alliance and ultimately make credible our common goals.

We need an alliance which is able to show the Soviet leadership that we can wage a sustained conventional conflict against them in the event that they initiate aggression against Europe. All worthwhile partnerships need periodic refreshing to forestall their atrophy—and I view this amendment as a positive effort.

The distinguished Senator from Georgia has recited the evidence that the alliance is ill-prepared to wage sustained conventional war on the European continent. No one in this body, and I am sure no one in the alliance, wishes us to be forced to resort to nuclear weapons within 2 weeks of conventional aggression against Europe. But what are we left with if we run out of ammunition in the first 10 days of such a conflict?

It is indisputable that our allies have failed to meet the NATO goals of increasing defense spending at least 3 percent annually in real terms in each NATO country. For fiscal year 1983, the increase for our allies was on the average between 1.9 and 2.1 percent. For fiscal year 1984 it was worse—on the average the real growth in defense spending dropped to between 1.2 and 1.7 percent. The United States has faithfully and annually far exceeded the 3 percent target since 1980, and my colleagues know that even a 5 percent increase has already been rejected by this body for fiscal year 1985 as too modest. The legislation before us stands at 6.9 percent real growth.

Our NATO allies are not funding conventional support at anywhere near an adequate level of effort—including the provision of aircraft shelters for American reinforcing aircraft in the case of an emergency.

Mr. President, we have heard it said in this Chamber today that this amendment intimidates our allies or that it is an effort to intimidate our allies.

Mr. President, I think we all know who is doing the intimidating. We all know that the intimidation comes from the east of our Western European allies—the Soviet Union. Have we forgotten their threats? They have missiles pointed to the heart of European cities. They have refused to withdraw those weapons. They have refused to dismantle those weapons.

We have seen and heard the intimidation that has come from the Soviet Union and which addresses itself to those Western European allies that have undertaken to have Pershing missiles deployed by us on their land, and we see the results of that intimidation when a government delays accepting those missiles for another year or a couple of years. There should be no question as to what nation is the intimidator of West Europeans.

So let us not be persuaded by the argument that this amendment is an attempt to intimidate our allies. Our European allies have been twice saved by the United States of America—actually three times saved; in the first place, saved in World War I; in the second place, saved in World War II; and, in the third place, through the Marshall plan, have been saved and have been able to revitalize their economies and rebuild their industries to new and greater heights.

It is said that this is an effort to bully our allies. Now who is the real bully? Everybody knows what country has invaded Afghanistan. Everyone remembers that the Soviet Union was the bully in dealing with Czechoslovakia, and Hungary, and Poland. So it is not very difficult to identify the country that has been the bully, is the bully, and will be the bully in the future unless our allies take action to live up to their own commitments in contributing to the alliance.

It is true that the alliance is in the best interests of the United States, but it is also true that it is in the best interests of our West European allies.

Someone has said that this amendment would make it difficult for our Western European allies because of their economic situation. Well, have we forgotten that we have an economic problem of our own in this country? We need only to look at the unemployment rates in some States like my own to realize that we have a serious economic problem and a heavy economic burden of our own.

What are we doing other than working with the alliance, living up to our commitment and more to the alliance? In addition to our heavy responsibilities toward the NATO alliance, we have assumed the additional burden of protecting the Middle East. The

United States is in the process of assuming a tremendous burden in the Middle East and should oil shipments from that area be shut off by one means or another, or a combination of means, then the United States will be expected to take action in the interest not only of ourselves but more so in the interest of our Western European allies, and Japan, and Israel.

Our country depends on the Persian Gulf countries for oil in far less measure than do our Western European allies. Yet, it is the United States that is going to bear the brunt of dealing with any crisis in that area. It is the United States that has helped Saudi Arabia to defend itself against planes from Iran. It is the United States that has 50,000 troops, more or less, in Korea. So we have a heavy financial burden in Korea, and in the Middle East, and we are carrying an additional major portion of the burden as far as our NATO allies and ourselves are concerned respectively in guarding against a Soviet and Warsaw Pact attack against Western and Southern Europe.

It seems to me, Mr. President, that we need to just draw back and take a little better look at the forest so that we might see the trees.

So as far as intimidation is concerned, we know who is doing the intimidating. As far as being the bully of the town is concerned, we know that the Soviet Union is the bully. And as far as the economies of our European allies are concerned, while they are having serious problems, we also have a very serious economic problem.

So this amendment is merely asking the European allies to live up to the pledges that they have already voluntarily given. It is not an onerous amendment. It has a 3-year time delay. It offers a number of optional ways for European NATO nations to forestall any reductions in American troops presently stationed in their countries. It allows the President to negate any withdrawal in the event of an "emergency." The Nunn amendment only asks the allies to fulfill the pledges they have made for the common defense—the common defense, their own defense, as well as ours.

It is time for us to face the reality of the cohesion and strength of our alliance. This amendment serves this important purpose, and I strongly support it.

CALL OF THE ROLL

Mr. TOWER. Mr. President, I suggest the absence of a quorum and I intend the quorum to go live.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 6 Leg.]

Armstrong	Danforth	Melcher
Bingaman	Domenici	Nunn
Byrd	Goldwater	Pressler
Chiles	Mathias	Roth
Cohen	Matsunaga	Rudman
Cranston	Mattingly	Tower

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

Abdnor	Gorton	Moynihan
Andrews	Grassley	Murkowski
Baker	Hart	Nickles
Baucus	Hatch	Packwood
Bentsen	Hatfield	Pell
Biden	Hawkins	Percy
Boren	Hecht	Proxmire
Boschwitz	Heflin	Pryor
Bradley	Heinz	Quayle
Bumpers	Helms	Randolph
Burdick	Hollings	Riegle
Cochran	Humphrey	Sarbanes
D'Amato	Inouye	Sasser
DeConcini	Jepson	Simpson
Denton	Johnston	Specter
Dixon	Kassebaum	Stafford
Dodd	Kasten	Stennis
Dole	Kennedy	Stevens
Durenberger	Lautenberg	Thurmond
Eagleton	Laxalt	Trible
East	Leahy	Tsongas
Evans	Levin	Wallop
Exon	Lugar	Warner
Ford	McClure	Weicker
Garn	Metzenbaum	Wilson
Glenn	Mitchell	Zorinski

The PRESIDING OFFICER [the Vice President]. A quorum is present.

The Senator from Texas.

Mr. TOWER. Mr. President, as we say, some may probably wonder why I called this meeting. We put in a live quorum so that there would be no confusion about what the parliamentary situation is because I think there are so many Senators that have a vital interest in this issue that they should be informed.

The Cohen amendment to the Nunn amendment has been pending for most of the evening, and I think many Senators expected the first vote would come on the Cohen amendment. But that will not be the case. The Cohen amendment was taken by the Senator from Georgia [Mr. NUNN], and used to modify his original amendment; that is to say, he accepted the Cohen amendment as a modification to his amendment, because he wants to get a vote on his amendment first, and he has a perfect right to do that. He then offered his original amendment as a perfecting amendment in the second degree striking out all of the word "improvement" and in fact substituting his original amendment for the Cohen amendment. It is my intention to eventually move to table the Nunn amendment in the second degree. I would advise all Senators who intend to vote for the Cohen amendment that they would have to support that tabling motion if they are to have an opportunity to vote on the Cohen amendment.

Once the amendment in the second degree of the Senator from Georgia has been tabled, if indeed it is tabled—and it may not be, but in the event that it is tabled—it is my intention to ask for a record vote on the Cohen amendment, which now becomes the Nunn amendment in that it was incorporated into the original amendment of the Senator from Georgia. So although it has Senators NUNN's name on it, it will be Mr. Cohen's amendment. I submit that a rose by any other name would smell as sweet.

Therefore, the substantive difference is the Cohen amendment was essentially the original Nunn amendment with the language calling for a phased troop reduction if certain conditions are not met. In other respects, it is substantially the same as the Nunn amendment.

Mr. NUNN. Mr. President, may we have order? The Senator from Texas is speaking and I believe we should be able to hear him.

The VICE PRESIDENT. The Senate will be in order.

Mr. TOWER. Mr. President, that is about all I have to say about it. I would be delighted to yield to the Senator from Georgia for any expansion on my explanation, or any correction.

Mr. NUNN. If the Senator will yield for a brief additional statement, I agree with the description of the procedural situation as outlined by the Senator from Texas. I had an amendment with Senator ROTH. Senator COHEN proposed an amendment in the nature of a substitute and I did accept it. I accepted his as a modification to the amendment, or as an amendment to the amendment. The Nunn-Roth amendment had a perfecting amendment. It is the original text, although there have been some changes. It is essentially the original text of the Nunn-Roth amendment.

While the chairman is on the floor and we have quite a few Senators present, I think there may be some word floating around that this was sleight of hand. I will submit to my colleagues that this was well within the rules.

I also want to make it clear, because the chairman and I have had an excellent relationship and have worked closely on this—we have disagreed on some matters and agreed on others—we have a tough road ahead in the conference. I have continued to offer to assist. But if anyone believes that there has been sleight of hand here that is in any way amiss from the courtesies of the Senate, I would be willing to unwind the procedural situation and move back to where we were before the Cohen amendment was accepted, as modified, and it would place us in exactly the parliamentary situation we were in at that time.

I would ask the chairman if he desires that, or if anyone has this lingering feeling I would be glad to do that.

I would at that stage let everyone know, as I thought I had attempted to let them know earlier, that it would then be my intention, within the Rules of the Senate, to find a way—and I think there are ways—to still have this amendment voted on first.

Mr. TOWER. If the Senator will yield, let me say that I do not believe the Senator from Texas said anything in his remarks that suggested sleight of hand.

Mr. NUNN. The Senator did not.

Mr. TOWER. I said the Senator was perfectly within his rights.

Mr. NUNN. The Senator did say that. But I believe there are people on the floor that have been saying that. I am acting within the rules. But I am offering to everyone here, if they feel there has been anything amiss in terms of senatorial courtesy, I would do what I said.

Mr. TOWER. Mr. President, I would hope that very generous offer would be rejected because I think we have this sorted out in everybody's mind and perhaps we can proceed to vote.

Mr. President, if there is no further debate, I move to table the amendment in the second degree.

Mr. NUNN. Will the Senator withhold for a moment?

Mr. TOWER. I withhold.

IMPROVING NATO'S CONVENTIONAL DEFENSES

Mr. NUNN. Mr. President, this amendment has as its goal major collective improvements in NATO's conventional defense capabilities. I am hoping that this amendment will become known as the "NATO Conventional Defense Improvements Amendment" and not the "NATO Troop Withdrawal Amendment."

Let me begin by quoting an assessment by Gen. Bernard Rogers, NATO's Supreme Allied Commander Europe, of the state of conventional defenses in Europe:

Allied Command Europe's current conventional posture does not provide our nations with adequate deterrence and it leaves the nuclear threshold at a disturbingly low level.

Thus, NATO's deterrence is jeopardized by our current heavy reliance on the early use of nuclear weapons to stop a non-nuclear attack. The remedy is for NATO to strengthen its conventional forces which will also raise the nuclear threshold.

There are a number of shortcomings in NATO's nonnuclear forces that put us in the predicament I describe. However, the fundamental cause is a low level of sustainability. ACE is simply unable to sustain its conventional forces in combat for long with manpower, ammunition and war reserve material to replace losses and expenditures on the battlefield.¹

¹ Testimony before HASC, Mar. 6, 1984.

Mr. President, we cannot continue to paper over such serious and dangerous military problems in NATO. Here we have the highest military leader of the alliance stating bluntly that NATO's current conventional posture is little more than a delayed tripwire for early resort to nuclear escalation. The alliance has spent hundreds of billions of dollars for the common defense to this point.

During the decade of the 1980's and beyond we need more than a military posture that, to quote General Rogers again, would require:

The release of nuclear weapons fairly quickly after a conventional attack. And I'm talking about in terms of days, not in terms of weeks or months.

The citizens of both this nation and Europe will, and should, question why their hundreds of billions in defense investment buys such a limited conventional defense that NATO must rely on the untenable military strategy of early resort to nuclear weapons.

Some would argue that the Europeans want it this way; they do not want more robust conventional defenses and are content to rest deterrence of Warsaw Pact conventional attack on the threat of rapid nuclear escalation.

Others would suggest that it is a matter of economics, that while a nuclear tripwire may be less than desirable, it is the best that can be obtained for the funds that the Europeans are willing to spend on defense.

Still others suggest the Europeans have merely recognized a soft touch, that they know the United States will continue to "cover their gaps" by spending the money for all our forces in NATO, for six POMCUS division sets, for many hundreds of tactical aircraft, for airlift and aerial tankers to move these assets to Europe in a crisis, and for munition stocks substantially above those of most allies. They figure that as long as the United States will spend over 30 percent of our annual budget—\$90 billion—in support of NATO, why should they spend more? I ask unanimous consent that a DOD chart showing the range of U.S. cost in supporting NATO be entered in the record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE RANGE OF NATO COSTS¹

The Range of NATO Costs.—As noted in the preceding section, estimates of the cost of the United States' commitment to NATO can vary widely, depending on the categories of forces and the types of expenditures being evaluated. The following examples illustrate a range of possible estimates (expressed as total obligational authority for

¹ The following is a verbatim transcript from page 9 of the June 1984 Secretary of Defense's Report to Congress on "United States Expenditures in Support of NATO."

fiscal year 1985), along with the assumptions that were made in developing them:

(a) the incremental operating costs incurred by stationing U.S. forces in Europe rather than in the United States (about \$2 billion);

(b) the incremental operating costs associated with maintaining European-deployed U.S. forces in the active force structure (about \$15 billion);

(c) the total cost of European-deployed U.S. forces (about \$55 billion);

(d) the total cost of European-deployed U.S. forces and those U.S.-based forces that we have pledged to contribute as NATO reinforcements in the early stages of a conflict (about \$90 billion);

(e) the total cost of European-deployed U.S. forces and all of the U.S.-based forces that we have pledged to contribute as NATO reinforcements over the course of a conflict (about \$177 billion);

(f) the total cost of all U.S. conventional forces (about \$227 billion); and

(g) the total cost of all U.S. forces (about \$306 billion).

Mr. NUNN. Mr. President, I do not know which reason or combination of reasons can explain the current situation but I do know that it is high time—indeed past time—to put the issue of European intentions to a reasonable and responsible test. Our Ambassador to NATO, David Abshire, believes that European intentions are changing for the better. I hope he is correct. We must begin, however, to measure programmatic progress and not just intentions. If the allies are not prepared to make more modest efforts to improve conventional defenses in the remainder of this decade, while the United States plans to spend many hundreds of billions of dollars on our NATO commitment—if the allies really want, or will continue to settle for, a nuclear tripwire, then I believe the United States should recognize this and adjust our own military commitment and our defense priorities. We can provide for a nuclear tripwire—or even what some call an extended tripwire—with far fewer conventional forces and personnel than the United States currently has stationed in NATO. And, I might add, without the expense of massive reinforcements, all at significantly less cost than we now incur.

Mr. President, I consider myself a longstanding and strong supporter of the NATO alliance. I have written three reports to the Senate on the subject, have sponsored various legislation over the years to improve NATO's defense capabilities and was a leader in the floor fights in the mid-1970's to defeat the Mansfield amendments to cut U.S. forces in NATO unilaterally. I want to emphasize one point at the outset. Although my amendment calls for sizable troop reductions in the late 1980's if our European Allies do not show a willingness to improve conventional defense capabilities, this amendment is not intended either as blackmail or as punishment. I am hopeful that no troops will

ever be withdrawn by reason of this amendment. It is merely a recognition that continued, even redoubled, U.S. sacrifices to improve conventional defenses and to raise the nuclear threshold in Europe are to no avail without similar allied efforts. We must move forward and improve the alliance in tandem. We must head for these goals on a bicycle built for two—the United States can have the front seat but it takes someone pedaling behind as well.

In an era of well-recognized NATO disadvantage in theater nuclear weapons, at a time of rough strategic nuclear parity between the United States and the Soviet Union, it is, in my view, unrealistic and dangerous to rest the fate of the alliance on a strategy of deliberate, early nuclear escalation. Yet what General Rogers has described in clear testimony is a situation in which, in the event of a major Warsaw Pact conventional attack on NATO, the alliance leaders would be faced with choosing "in term of days, not weeks" between capitulation or NATO being the first to use nuclear weapons. Even if the Soviets limit their attack to conventional means, NATO will be forced to escalate the conflict into a nuclear exchange, an area of alliance disadvantage. We cannot continue this posture.

Mr. President, the United States is pledged to ship to Europe, within the first 10 days of such a war, a total of six Army divisions and 20 tactical fighter wings as early reinforcements to the fourth divisions and seven wings we already have over there. Yet if this huge early reinforcement nonetheless leads only to days, not weeks before nuclear weapons are used, I question the soundness of the basic plan under which we in America are spending hundreds of billions of dollars.

If NATO is going to have to surrender, then six more U.S. divisions added to the four already there more than doubles our Dunkirk problem. If instead, NATO is going to resort to early nuclear escalation, our additional divisions will be irrelevant by the time they arrive there.

Indeed, Mr. President, General Rogers addressed this situation, too:

Because of the failure to meet commitments in the conventional area by all nations and through trying to buy alliance defense on the cheap by relying on nuclear weapons, we have mortgaged our defense to the nuclear response.

To his considerable credit, General Rogers has done everything in his power to correct this militarily untenable situation. Now the U.S. Senate must lend a helping hand. We cannot permit the bulwark of Western defense—NATO—to continue this situation endlessly into the future. If it does, the alliance has no real future.

Mr. President, we can debate why we are in this untenable military trap today and there are many sides to this argument. However, two things are clear—first, we must improve conventional defenses; and second, NATO is not currently planning to make these improvements. This is the case despite alliance agreements in principle year after year, starting in the late 1970's, to implement specific measures to improve NATO's conventional defense capability.

From a major set of alliance meetings in 1977 and 1978 emerged the following agreed goals which are still in effect today:

The pledge to increase defense spending in each country by at least 3 percent per year in real terms; the pledge to acquire a 30-day supply of conventional munitions within 5 years in the center region; and the agreement on what ultimately became the rapid reinforcement plan.

These goals have been agreed to in NATO Ministerial Guidance and have been reaffirmed at their annual meetings. The rapid reinforcement plan constitutes the commitment by the United States to move a total of six Army divisions and roughly 20 tactical fighter wings from the United States to Europe within 10 days to reinforce our forces already there.

Now, Mr. President, as noted, the United States has been spending many billions of dollars on Army combat equipment to go into the six prepositioned overseas material configured in unit sets [POMCUS] sites, so that we can fly only the troops from the United States to Europe and have them match up over there with their equipment. This means we have to buy two sets of equipment—one here to train with, one there to fight with. We have been spending many more billions to acquire the 20 wings of tactical aircraft for rapid deployment. We have been spending still more billions of dollars on airlift and tanker support, in order to carry out these times-urgent deployment plans. We have been spending billions for U.S. stocks of munitions in Europe, which are well above the 30-day NATO goal and climbing. We plan to spend \$52 billion on munitions for our NATO forces over the next 5 years to increase this sustainability level even higher.

In return for all this, the allies agreed to do two things. First they agreed to provide "host-nation support" in wartime, the provision of some of their reservists and equipment and to provide rear area support for our reinforcing combat divisions. To give our allies their due there has been some progress in this wartime host nation support area. The chairman of the Armed Services Committee and I have led the fight in Congress to back up these agreements. Second, the

allies also agreed to fund critical facilities and aircraft shelters for our reinforcing aircraft.

Finally, we have carried out our 3-percent pledge every year in the process of implementing all of these activities. The Secretary of Defense has just reported to Congress that we have exceeded our 3 percent goal every year since 1979 and that the total cost of European-deployed U.S. forces and those U.S. based forces that we have pledged to contribute to a NATO reinforcement in the early stages of a conflict is about \$90 billion of the fiscal year 1985 budget, or over 30 percent of the entire budget. The Secretary's report also indicates that the total cost of all the U.S. NATO deployed forces and reinforcements planned over the course of a NATO conflict is \$177 billion in this year's budget.

Now, Mr. President, let me briefly recount what our allies have done to meet their commitments:

They have not achieved the goal of a 3-percent increase after inflation, on average, in any year since the pledge was made; indeed the size of their increases has gotten smaller each year. For fiscal year 1983, DOD estimates that the average allied increase will be 1.9 to 2.1 percent; for fiscal year 1984, 1.2 to 1.7 percent. The United States, however, has met the goal every year and continues defense spending that is substantially above 3 percent real growth. Starting with 1980, our increases have ranged from 4.9 to 9 percent.

No allied country has reached the agreed goal of a 30-day supply of munitions. Allied sustainability is uneven at best; some kinds of munitions are close to the goal but others are in critically short supply, measured in days, not weeks. Most allies have indicated that they plan little or no progress toward the 30-day goal in their current 5-year projections. During the same period, the United States will be spending \$52 billion to increase its stocks which are already substantially larger.

Secretary Weinberger has summarized this situation well in his May 1984 report to Congress on "Improving NATO's Conventional Capability." He stated:

The lack of adequate capability to sustain combat operations for long with . . . munitions . . . is one of NATO's most critical and persistent shortfalls. In war, such shortages would force commanders to curtail operations to avoid running out . . . and the price of such rationing would be measurable directly in lives and kilometers lost." Secretary Weinberger added, "History records that of all the reasons given for military defeat, running out of ammunition ranks near if not at the top.

The Secretary also stated:

The current situation is sufficiently serious that the need to increase munitions stocks is important enough to give that

effort a higher priority than other national force improvements.

The situation is not much better in terms of the facilities and shelters the allies are to provide on their air bases for U.S. reinforcing tactical aircraft. Our own United States main operating bases in Europe are so crowded with our seven wings already there that most of the roughly 20 U.S. reinforcing wings will be scattered across many European air bases operated by other NATO countries. Those bases are called colocated operating bases, or COB's; they have enough space to accept our arriving aircraft. However, these COB's do not have extra minimum essential facilities, such as fuel and ammunition storage adequate for 7 days operations, extra emergency operating facilities such as control towers and maintenance facilities and extra semi-hardened aircraft shelters to protect our reinforcing aircraft. Without these facilities and shelters that the Allies have agreed to provide, the arriving \$50 billion worth of U.S. aircraft are unlikely to survive, let alone be able to operate effectively.

Where are we specifically in terms of the facilities and shelters to support our early reinforcement aircraft?

Today—6 years after the agreement—there are minimum essential facilities in place for less than 20 percent of our reinforcing aircraft. There still are virtually no hardened aircraft shelters for any of these reinforcing aircraft. In other words, only a relatively few aircraft will have fuel and ammunition available and they will be unsheltered, in the open, in the middle of world war III. Now, we learned as long ago as the 1973 Middle East war that unsheltered aircraft really are sitting ducks. Yet, year after year, we renew in the "Defense Planning Questionnaire" our commitment to deploy over \$50 billion worth of the finest and most modern U.S. fighters to become sitting ducks. These aircraft have little chance to survive since our NATO allies have been unwilling to provide the roughly \$1 billion extra to fuel, arm, and protect these aircraft. That is right—the total cost to the allies to provide minimum essential facilities, emergency operations facilities, and hardened shelters for our \$50 billion worth of aircraft is about \$1 billion more. It is incomprehensible that \$50 billion of sophisticated aircraft would be virtually useless because our allies refuse to provide an additional \$1 billion to house them.

Mr. President, we could continue this sorry tale. Let me give only one more pertinent example. The NATO force goals, which are developed every 2 years by the NATO military commanders and cover 6 years, are considered an expression of the forces and facilities necessary for the accomplishment of NATO military commanders' assigned missions. These goals are de-

signed to challenge each nation to meet these critical missions.

It should be no surprise to anyone that the performance toward these goals has been less than satisfactory for the most part.

In fact, General Rogers recently said that NATO was running in the wrong direction in terms of the force goals:

When we figured out the force goals—not the one we just approved earlier this month but the previous one approved in 1982—we figured that they would require a 4 percent real increase in defense spending per year, per nation for each of the 6 years from 1983 to 1988 to fully meet those force goals. New force goals have just been approved for the years 1985 to 1990. Now we calculate that to meet those force goals fully, it's only going to cost a little over 3 percent. So you see we're running in the wrong direction. We're going down to 3 percent to meet those force goals. Those force goals, even if fully implemented, won't give us the kind of conventional capability that I've talked about.

General Rogers is pessimistic that the NATO allies will even meet these lower force goals:

When you ask the question do I think its logical that they're going to be able to meet it, the answer is no.

Mr. President, it is my belief that it is time to challenge our European allies to begin to make good on long-standing commitments like those I have described. Without achieving these goals, a more robust conventional defense of Europe is virtually impossible. It is time to turn our attention to raising the nuclear threshold by improving NATO's collective conventional defenses.

It is time to put to a reasonable and responsible test the proposition of whether the Europeans want to continue a nuclear tripwire posture or seriously want to improve conventional capability. It is shape up or ship out time for NATO.

Let me briefly describe how my amendment is designed to test this proposition. The test will be comprised of two optional paths: one based on input goals; the other based on output goals.

First, the amendment extends and makes permanent the troop ceiling on U.S. ground forces stationed in NATO at a level of 326,414. This is a cap at exactly the level DOD has requested for the end of fiscal year 1985. The Department does plan over the next 5 years to request additional increases. Given the current situation and the lack of any major indication that the allies are moving forward, it makes no sense for us to increase our forces beyond the fiscal year 1985 level at this time. Since 1977, U.S. forces in NATO have increased by almost 45,000 personnel while allied force levels have remained essentially static. Interestingly enough, 1977 was the year the United States began to have serious

discussions with our allies on improving conventional defenses.

Second, the intent of the amendment is to establish a 5-year period during which the NATO allies will be expected to meet certain goals related to improving conventional defense. All of these goals have been formally agreed to by the alliance, but the allies may need a year to discover America is finally ready to fish or cut bait on conventional improvements.

The amendment works as follows: The allies would have 1 year to get ready—1985, plus the balance of 1984—and then 3 years of performance would be measured—1986, 1987, 1988. Serious deficiencies would be corrected at a rate of 20 percent a year in those 3 years. By requiring performance over only the 3 of the 5 years needed to make up 100 percent of the deficiencies in the designated areas, Congress will have an opportunity for a mid-term review and to make adjustments should unforeseen circumstances arise.

The amendment ties future U.S. troop strength in NATO to progress—or lack of it—by the allies in improving conventional defense capabilities in certain specified areas.

The input oriented test is the NATO agreed target of a 3-percent average increase in defense spending, after inflation, by the non-U.S. NATO allies. This goal, first established in 1979, has just been reaffirmed by the NATO Ministers. If the non-U.S. allies reach this goal, no troop reductions are required. As indicated, this would be adequate for the allies to achieve the current force goals.

However, if in any year the allies fail to meet the 3-percent test in any year, the amendment offers an output oriented path for the allies to forestall the U.S. troop reductions, by meeting a set of three other goals in specific areas of longstanding deficiency. Each could be considered a war stopper in its own right.

What we are essentially asking the allies to do is either meet the longstanding 3 percent increase pledge; or

First, to increase systematically over 5 years their munitions sustainability to reach the 30-day goal, at the rate of 20 percent of the shortfall each year. These increases would require the six center region allies collectively to spend less than \$1 billion per year. While these allies together would have to spend about a billion a year more to get to 30 days, the United States is spending \$6.2 billion this year on our NATO munitions, and plans to spend \$52 billion over the next 5 years to increase our stocks which are already substantially higher than theirs.

Second, to commit to an infrastructure funding level adequate to provide over 5 years the roughly \$1 billion extra needed from the allies to build the facilities and shelters to give the

\$50 billion we have invested in U.S. reinforcing tactical aircraft a fighting chance; the needed facilities and shelters also must be committed to construction at the rate of 20 percent of the shortfall per year. To meet this test, the allies would have to agree to contribute about \$600 million more to the NATO infrastructure fund during the 3-year measuring period; \$1 billion is needed to completely close the gap.

Third, to make significant progress in lengthening the interval between onset of a conventional attack by the Warsaw Pact and the time at which nuclear release would have to be requested, as determined and certified to the U.S. Secretary of Defense by the SACEUR, General Rogers.

If, upon reflection and with 2 years in which to plan and begin responses, the allies are nonetheless unwilling to make these essential and agreed upon improvements, the United States will have a clear indication of allied intent. It will be evident that the allies are content with nothing more than a tripwire, and we can begin to reduce the number of our forces stationed in NATO and also begin to reduce our related NATO expenditures.

Let me now describe the reductions. If the allies do not make the first path of 3 percent, and also fail to meet any of the three goals under path two, then the ceiling will be reduced by 30,000 per year. If, however, the allies meet one of the three goals under path two, the ceiling would be reduced by only 20,000; if 2 out of 3 under path two, by 10,000, and if they meet all three, or if they meet the 3 percent there would be no reduction.

I repeat, either of the compliance paths offered, the 3-percent growth path or the specific goals path, is both realistic and affordable. Moreover, for the second path the spending is entirely in Europe on European goods and services, and produced by European labor. Indeed, in the case of facilities and aircraft shelters at European bases, the United States will also pay more than one-fourth of the total bill as its share of common infrastructure funding. Moreover, Mr. President, nothing in this amendment forces the allies to do anything that has not been agreed to previously—indeed, agreed, and agreed again. All that has been missing is performance on the agreements.

Thus, Mr. President, if NATO's de facto strategy really is a conventional tripwire with early resort to nuclear weapons, the last thing the United States should be planning is to send six more divisions and about 1,500 more tactical aircraft into Europe just as the alliance is ready to escalate to nuclear weapons.

Indeed, if that is the strategy the Europeans want, I believe that a far smaller commitment of U.S. stationed forces than those we now maintain in

peacetime would be called for. That is why I regard as wholly appropriate the troop reductions called for in this amendment, if the allies are not serious about improving conventional capability.

Mr. President, this amendment also requires the Secretary of Defense to submit an annual report outlining U.S. defense expenditures in support of NATO. This report would provide a direct link between our defense spending and our formal commitment to NATO as reflected in the NATO "Defense Planning Questionnaire Response." This is an annual document in which the member nations commit forces to NATO. We will be able, using this report, to determine just what this commitment costs.

This reporting will also include an assessment of allied performance in meeting the following:

- Increasing overall defense spending;
- Increasing sustainability as well as support for U.S. reinforcing tactical aircraft;

- Improving airbase defenses;
- Meeting NATO force goals;
- Increasing NATO infrastructure funding;

- Increasing trained manpower levels, particularly reserves;

- Increasing war reserve material;
- Improving initial defense capability;
- Improving NATO's ability to neutralize enemy follow-on forces, particularly through the use of emerging technologies;

- Improving mine/counter mine capability;

- Improving offensive counter air capability.

With this assessment, Congress will be able to look at U.S. expenditures in support of NATO and how the allies are performing in certain key areas. Congress can then make judgments on whether or not the U.S. expenditures should be approved in the annual authorization process or whether they should be reduced.

In my judgment, this is an appropriate way to link allied performance to our own commitment to NATO. If the Europeans simply shift their priorities and resources to meet these formal tests, abandoning other agreed goals, we will soon recognize this shift.

Finally, Mr. President, I must note one area where the United States has clearly not done enough over the years—making the two-way street in armaments cooperation work. The chairman and I have been strong supporters of the emerging technology initiative in NATO, and I welcome the recent tangible progress in this area. Nonetheless, our European allies spend a great deal more on U.S. weapons systems and components than we do in acquiring European-developed systems. While some of that can legitimately be justified on the grounds

that our worldwide commitments sometimes impose requirements beyond those typically considered by European manufacturers, I am inclined to believe that much more of that stems from U.S. industry and service reluctance to buy somebody else's product rather than being involved from the very beginning.

However, Mr. President, I say that if we are ever to get to the point where NATO's resource inputs, which are larger than those of the Warsaw Pact, are efficiently transformed into a larger defense output, it must be because we have done a better job of mutual planning, cooperative development, and equitable sharing of production. Therefore, I have included in the amendment a provision to encourage the side-by-side testing, by the Secretary of Defense's Office of Test and Evaluation, not by the services themselves, of systems and subsystems of European manufacture against those developed by our military establishment. This is but a small step toward greater transatlantic cooperation in armaments, but I hope it will mark an important new start, and help persuade European governments that we do not want troop cuts, we want more effective conventional defenses, and we are willing to look closely at what they have to offer.

In summary, the United States cannot continue to expend billions and billions to prepare for the conventional war that our allies are not prepared to fight. These precious resources are better applied for other purposes, to meet our other worldwide interests and commitments.

I am under no illusions about the ability of the legislative branch of one nation to influence the actions of other nations. Also I am under no illusions about the many obstacles to improved conventional defense capabilities that would remain even if the allies fully comply with the goals of the amendment.

It is not a panacea but it is a beginning—a modest test of whether the vitality of the alliance is still capable of being energized. If such movement is begun, the amendment has a significance beyond its modest scope.

In my judgment, the citizens of the Western democracies will not long sustain nor support large defense establishments that can only provide a military posture that has as its end result either capitulation or resort to early use of nuclear weapons. In an era of pronounced NATO theater nuclear disadvantage and rough strategic nuclear parity between the United States and U.S.S.R., this makes no sense.

I urge my colleagues to send a strong signal that we want this to change—we want NATO to improve its conventional capability—over a 5-year period—within defense spending levels that are readily achievable.

Mr. TOWER. Mr. President, I move to table the amendment in the second degree of the Senator from Georgia and ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas to lay on the table the amendment in the second degree of the Senator from Georgia. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island [Mr. CHAFFEE] and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho [Mr. SYMMS] would vote yea.

Mr. CRANSTON. I announce that the Senator from Kentucky [Mr. HUBLESTON] and the Senator from Louisiana [Mr. LONG] are necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—55

Abdnor	Hart	Nickles
Andrews	Hatch	Packwood
Armstrong	Hatfield	Percy
Baker	Hawkins	Quayle
Boschwitz	Hecht	Rudman
Cochran	Heflin	Simpson
Cohen	Heinz	Specter
D'Amato	Helms	Stafford
Danforth	Jepsen	Stevens
Denton	Kassebaum	Thurmond
Dodd	Kasten	Tower
Dole	Laxalt	Tribble
Domenici	Lugar	Tsongas
Durenberger	Mathias	Wallop
East	Mattingly	Warner
Evans	McClure	Weicker
Garn	Mitchell	Wilson
Goldwater	Moynihan	
Gorton	Murkowski	

NAYS—41

Baucus	Exon	Metzenbaum
Bentsen	Ford	Nunn
Biden	Glenn	Pell
Bingaman	Grassley	Pressler
Boren	Hollings	Proxmire
Bradley	Humphrey	Pryor
Bumpers	Inouye	Randolph
Burdick	Johnston	Riegle
Byrd	Kennedy	Roth
Chiles	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
DeConcini	Levin	Stennis
Dixon	Matsunaga	Zorinsky
Eagleton	Melcher	

NOT VOTING—4

Chafee	Long
Huddleston	Symms

So the motion to lay on the table amendment No. 3268 to amendment No. 3266 was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote.

Mr. BAKER. I move to lay that motion on the table, Mr. President.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3267

Mr. TOWER. Mr. President, now the vote occurs on the amendment of the Senator from Maine [Mr. COHEN], which actually is the Nunn amendment and has been incorporated in that amendment. I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NUNN. Mr. President, before we have this vote, I would like to state that this amendment basically is the original Nunn-Roth amendment, but it does not have any sanctions in it. In other words, in the goals that are set up, like the 30 days of ammunition, the colocated bases, the 3 percent—if that is accepted, nothing happens. It is better than nothing, but I would say in military terms, this is a tall without teeth. It is certainly better than nothing. It has the ceiling on troops, it also has the two-way street provisions. I think both of those are important and I urge our colleagues to vote for this amendment.

Mr. TOWER. Mr. President, while there are a number of Senators in the Chamber, I might note that the amendment to be expected to be offered is an amendment by the Senator from Georgia [Mr. NUNN] having to do with strategic defense initiatives. This is a very important issue but we do not expect to take a great deal of time on it. Therefore, I advise Senators that they can expect another record vote about 30 to 35 minutes or at the most an hour after this vote is completed.

Mr. NUNN. I might say to the Senator from Texas that people who have other amendments might want to stay for 4 or 5 minutes because I am going to be discussing this amendment with a number of people. It may be that that SDI amendment will not be offered or will be withdrawn. In that case, we will need some more amendments.

Mr. TOWER. Mr. President, in that case, there will be fewer amendments, and we may finish tonight. I think we can finish tonight. Because after the SDI amendments, there are major weapons amendments, policy amendments, then we go to what we might call the lesser amendments.

Let me say if Senators would not stray so far from the floor, we would eat up less time in our rollcall votes and get on with our business.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER [Mr. HEINZ]. The Senator from Montana.

Mr. LEAHY. Mr. President, I will take just a minute. I know the distinguished majority leader wants to get moving.

I note for the record that this last vote, for me, was a very difficult one, as one who constantly opposed the so-called Mansfield amendment in the

past, to bring troops home. I found the debate actually an enlightening one. Neither side had done anything to try to influence my vote. In fact, neither side asked me how I was going to vote, and I appreciate that very much. It was a very close thing.

I must say that one of the things that swayed my thinking was that it was on a tabling motion instead of a straight up and down vote. I am not sure how I would have voted on a straight up and down vote. I could have gone the other way.

I must say that I find it disturbing that on issue after issue of significance in this bill, it is always on a tabling motion. I cannot believe it is done to save time. After all, we have spent about a day and a half in stalling quorums, starting at noon, or 1 o'clock, or 2 o'clock, or 3 o'clock in the afternoon, and find we are able to go on until 1 o'clock in the morning.

It is called banker's hours. It is after the bank is closed before we start.

I think it is unfortunate that these major issues are always voted on by tabling motions. I heard somebody in the corridor say that that was a sign of arrogance. I disagree with that, of course, because nobody in this body would show any sense of arrogance. Nobody would have the ego to do that.

It is unfortunate on these issues that we do not have straight up and down votes.

Mr. TOWER. Mr. President, will the Senator yield?

On this particular issue, the only way we could vote for the Cohen amendment was to table the Nunn amendment. There are many who wanted a vote on the Cohen amendment. That was the only way we could get at it.

Mr. LEAHY. I recall the Senator from Georgia saying that he was perfectly willing to unravel the thing, to get back to a point where we could have straight up and down votes.

As I said, I defended against any suggestion that there might be any other motives in having a tabling motion, but I say that it is unfortunate that issue after issue comes up on a tabling motion.

On this particular one, I did not make up my mind until probably the last minute or so of the vote. I must admit that the final thing in my mind was the fact that it was a tabling motion, and I really felt that we should have had an up and down vote. That is why I voted the way I did. I have consistently voted against these kinds of things, and I consistently voted against the Mansfield-type amendments in the past.

I hope that on some of the major issues we have remaining there will be an up and down vote, not a tabling motion.

Mr. MELCHER. Mr. President, the Senator from Georgia, in describing

the amendment we are going to vote on, was extremely generous and said that it was a tail without teeth. That is very generous.

The strongest point in the amendment we will be voting on is the phrase that Congress urges "the President and the Secretary of Defense to continue to encourage member nations of NATO, other than the United States, to work expeditiously to fulfill the following commitments."

I think that is the kind of message that has been murmured, muttered, and discussed but never has gotten any results.

Mr. BYRD. Mr. President, may we have order? The Senator is entitled to be heard.

The PRESIDING OFFICER [Mr. HEINZ]. The Senator is correct. Senators will retire to the cloakroom if they wish to converse. Staff members will be seated. The Senate will come to order.

Mr. MELCHER. Mr. President, those kinds of love letters sent to our friends, our allies in Europe, are not likely to gain any results. They have not in the past, and there is no reason to think that they would now.

I do not find fault, necessarily, with our allies in Europe. I would like to see them do more.

The PRESIDING OFFICER. The Senate is not in order. Staff will sit down. Senators will refrain from conversation. We are not going to proceed until people stop having conversations. Senators in the aisles will please take their seats.

Mr. MELCHER. Mr. President, if Congress is willing to spend more than our share, then I think it is likely that our NATO allies will continue to be financially prudent and permit us to do so.

I think the Nunn-Roth amendment is not only the proper way to go but also is very constructive—not just for the sake of saying to our allies, "Pay your share; or at least pay more of your share"; not just for the sake of admitting that we cannot continue to increase the amount we are spending indefinitely because it is strapping us economically and adds to our deficit; but also because it is constructive for the joint defense of the NATO allies to require that they meet their commitment or we will use the sanction of withdrawing part of our troops. They do not want us to withdraw part of our troops, so they will meet the rather mild requirement of increasing the amount of their contribution to our joint defense.

I think the loser in the Cohen amendment we are about to adopt is not just the American people but also our European allies, because they are going to have less joint defense.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island [Mr. CHAFEE] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Kentucky [Mr. HUNDLESTON] and the Senator from Louisiana [Mr. LONG] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—94

Abdnor	Glenn	Nickles
Andrews	Goldwater	Nunn
Armstrong	Gorton	Packwood
Baker	Grassley	Pell
Baucus	Hart	Percy
Bentsen	Hatch	Pressler
Biden	Hawkins	Proxmire
Bingaman	Hecht	Pryor
Boren	Heflin	Quayle
Boschwitz	Heinz	Randolph
Bradley	Helms	Riegle
Bumpers	Hollings	Roth
Byrd	Humphrey	Rudman
Chiles	Inouye	Sarbanes
Cochran	Jepsen	Sasser
Cohen	Johnston	Simpson
Cranston	Kassebaum	Specter
D'Amato	Kasten	Stafford
Danforth	Kennedy	Stennis
DeConcini	Lautenberg	Stevens
Denton	Laxalt	Symms
Dixon	Leahy	Thurmond
Dodd	Levin	Tower
Dole	Lugar	Trible
Domenici	Matsunaga	Tsongas
Durenberger	Mattingly	Wallop
Eagleton	McClure	Warner
East	Melcher	Weicker
Evans	Metzenbaum	Wilson
Exon	Mitchell	Zorinsky
Ford	Moynihan	
Garn	Murkowski	

NAYS—3

Burdick	Hatfield	Mathias
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NOT VOTING—3

Chafee	Huddleston	Long
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So the amendment (No. 3266), as modified, was agreed to.

Mr. WALLOP. I move to reconsider the vote by which the amendment was agreed to and I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. WILSON. Mr. President, it is my understanding that the senior Senator from Oregon wishes to lay down an amendment and, after doing so, will move to set aside the amendment briefly for the purpose of allowing the senior Senator from Wyoming to lay down an amendment that has been cleared on both sides. I ask that we proceed in that fashion.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 3270

(Purpose: To establish a U.S. Academy of Peace)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon, [Mr. HATFIELD] proposes an amendment numbered 3270.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 239, after line 2, add the following:

TITLE IV—UNITED STATES ACADEMY OF PEACE ACT

SHORT TITLE

SEC. 401. This title may be cited as the "United States Academy of Peace Act".

DECLARATION OF FINDINGS AND PURPOSES

SEC. 402. (a) The Congress finds and declares that—

(1) a living institution embodying the heritage, ideals, and concerns of the American people for peace would be a significant response to the deep public need for the Nation to develop fully a range of effective options, in addition to armed capacity, that can leash international violence and manage international conflict;

(2) people throughout the world are fearful of nuclear war, are divided by war and threats of war, are experiencing social and cultural hostilities from rapid international change and real and perceived conflicts over interests, and are diverted from peace by the lack of problem-solving skills for dealing with such conflicts;

(3) many potentially destructive conflicts among nations and peoples have been resolved constructively and with cost efficiency at the international, national, and community levels through proper use of such techniques as negotiation, conciliation, mediation, and arbitration;

(4) there is a national need to examine the disciplines in the social, behavioral, and physical sciences and the arts and humanities with regard to the history, nature, elements, and future of peace processes, and to bring together and develop new and tested techniques to promote peaceful economic, political, social, and cultural relations in the world;

(5) existing institutions providing programs in international affairs, diplomacy, conflict resolution, and peace studies are essential to further development of techniques to promote peaceful resolution of international conflict, and the peacemaking activities of people in such institutions, government, private enterprise, and voluntary associations can be strengthened by a national institution devoted to international peace research, education and training, and information services;

(6) there is a need for Federal leadership to expand and support the existing international peace and conflict resolution efforts of the Nation and to develop new comprehensive peace education and training programs, basic and applied research projects, and programs providing peace information;

(7) the Commission on Proposals for the National Academy of Peace and Conflict Resolution, created by the Education Amendments of 1978, recommended establishing an academy as a highly desirable investment to further the Nation's interest in promoting international peace;

(8) an academy, strengthening and symbolizing the fruitful relation between the world of learning and the world of public affairs, would be the most efficient and immediate means for the Nation to enlarge its capacity to promote the peaceful resolution of international conflicts; and

(9) the establishment of an academy is an appropriate investment by the people of this Nation to advance the history, science, art, and practice of international peace and the resolution of conflicts among nations without the use of violence.

(b) It is the purpose of this title to establish an independent, nonprofit, national institution to serve the people and the Government through the widest possible range of education and training, basic and applied research opportunities, and peace information services on the means to promote international peace and the resolution of conflicts among the nations and peoples of the world without recourse to violence.

DEFINITIONS

SEC. 403. As used in this title, the term—

(1) "Academy" means the United States Academy of Peace established under this title;

(2) "Board" means the Board of Directors of the Academy; and

(3) "Center" means the Jennings Randolph Center for International Peace of the Academy.

ESTABLISHMENT

SEC. 404. (a) There is hereby established the United States Academy of Peace.

(b) The Academy is an independent nonprofit corporation and an organization as defined in section 170(c)(2)(5) of the Internal Revenue Code of 1954. The Academy does not have the power to issue any shares of stock or to declare or pay any dividends.

(c) The Academy shall maintain its principal office in the District of Columbia with a designated agent or agents to accept service of process for the corporation. Notice to or service upon an agent shall be deemed notice to or service upon the Academy.

(d) The Academy may rent, lease, purchase, or receive and hold in its name property for offices, schools, and other facilities and to carry out activities under this title. As determined by the Board, the Academy may establish offices, schools, and other facilities outside the District of Columbia for purposes not inconsistent with this title.

(e) As determined by the Board, the Academy may establish, under the laws of the District of Columbia, a legal entity which is capable of receiving, holding, and investing public funds for purposes in furtherance of the Academy under this title. The Academy may designate such legal entity as the "Endowment of the United States Academy for Peace".

(f) The Academy is liable for the acts of its directors, officers, employees, and agents when acting within the scope of their authority.

(g)(1) The Academy has the sole and exclusive right to use and to allow or refuse others the use of the terms "United States Academy of Peace", "Jennings Randolph Center for International Peace", and "Endowment of the United States Academy of Peace" and the use of any official United

States Academy of Peace emblem, badge, seal, and other mark of recognition or any colorable simulation thereof. No powers or privileges hereby granted shall interfere or conflict with established or vested rights secured as of September 1, 1981.

(2) Notwithstanding any other provision of this title, the Academy may use "United States" or "U.S." or any other reference to the United States Government or Nation in its title or in its corporate seal, emblem, badge, or other mark of recognition or colorable simulation thereof in any fiscal year only if there is an authorization of appropriations for the Academy for such fiscal year provided by law.

(h) In selecting a site for the principal office of the Academy, the Board shall give preference to federally-owned facilities first and then to university-owned and privately-owned facilities. The Board's decision in this matter shall be based on the need for a setting in which to encourage the pursuit of scholarly research and educational activities. The Board shall bear in mind in site selection that the purpose of the Academy is not to serve as a base for public political activity of any kind against United States foreign policy or United States peacemaking efforts. The site selection decision shall be as cost-effective as possible.

POWERS AND DUTIES

SEC. 405. (a) The Academy may exercise the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act consistent with this title, except for section 5(o) of the District of Columbia Nonprofit Corporation Act (section 1005(o) of title 29 of the District of Columbia Code).

(b) The Academy, acting through the Board, may—

(1) establish a Center for International Peace and appoint to it for periods up to two years scholars and leaders in peace from the United States and abroad to pursue scholarly inquiry and other appropriate forms of communication on international peace and conflict resolution and, as appropriate, provide stipends, grants, fellowships, and other support to the leaders and scholars;

(2) establish such divisions, programs, schools, and offices as the Board deems appropriate to carry out this title;

(3) enter into formal and informal relationships with other institutions, public and private, for purposes not inconsistent with this title;

(4) conduct research and make studies, particularly of an interdisciplinary or of a multidisciplinary nature, into the causes of war and other international conflicts and the elements of peace among the nations and peoples of the world, including peace theories, methods, techniques, programs, and systems, and into the experiences of the United States and other nations in resolving conflicts with justice and dignity and without violence as they pertain to the advancement of international peace and conflict resolution, placing particular emphasis on realistic approaches to past successes and failures in the quest for peace and arms control and utilizing to the maximum extent possible United States Government documents and classified materials from the Department of State, the Department of Defense, the Arms Control and Disarmament Agency, and the intelligence community;

(5) develop programs to make international peace and conflict resolution research, education, and training more available and

useful to persons in government, private enterprise, and voluntary associations, including the creation of handbooks and other practical materials;

(6) provide promote, and support peace education and research programs at graduate and postgraduate levels;

(7) conduct training, symposia, and continuing education programs for practitioners, policymakers, policy implementers and citizens and noncitizens directed to developing their skills in international peace and conflict resolution;

(8) develop, for publication or other public communication, and disseminate, the carefully selected products of the Academy;

(9) establish a clearinghouse and other means for disseminating information, including classified information that is properly safeguarded, from the field of peace learning to the public and to government personnel with appropriate security clearances;

(10) recommend to the Congress the establishment of a United States Medal of Peace to be awarded under such procedures as the Congress may determine, except that no person associated with the Academy may receive the United States Medal of Peace; and

(11) secure directly, upon request of the president of the Academy to the head of any Federal department or agency and in accordance with the Freedom of Information Act (5 U.S.C. 552), information necessary to enable the Academy to carry out the purposes of this title if such release of the information would not unduly interfere with the proper functioning of a department or agency, including classified information if the Academy staff and members of the Board who have access to such classified information obtain appropriate security clearances from the Department of Defense and the Department of State.

(c) The Academy may undertake extension and outreach activities under this title by making grants and entering into contracts with institutions of postsecondary, community, secondary, and elementary education including combinations of such institutions, with public and private educational, training, or research institutions—including the American Federation of Labor, the Congress of Industrial Organizations, and libraries—and with public departments and agencies including State and territorial departments of education and of commerce. No grant may be made to an institution unless it is a nonprofit or official public institution, and at least one-fourth of the Academy's annual appropriations shall be paid to such nonprofit and official public institutions. A grant or contract may be made to—

(1) initiate, strengthen, and support basic and applied research on international peace and conflict resolution;

(2) promote and advance the study of international peace and conflict resolution by educational, training, and research institutions, departments, and agencies;

(3) educate the Nation about and educate and train individuals in peace and conflict resolution theories, methods, techniques, programs, and systems;

(4) assist the Academy in its publication, clearinghouse, and other information services programs;

(5) assist the Academy in the study of conflict resolution between free trade unions and Communist-dominated organizations in the context of the global struggle for the protection of human rights; and

(6) promote the other purposes of this title.

(d) The Academy may respond to the request of a department or agency of the United States Government to investigate, examine, study, and report on any issue within the Academy's competence, including the study of past negotiating histories and the use of classified materials.

(e) The Academy may enter into contracts for the proper operation of the Academy, including maintenance of its offices, schools, and other facilities.

(f) The Academy may appoint and fix the compensation and duties of officers, employees, and agents and establish such advisory committees, councils, or other bodies as the efficient administration of the business and purposes of the Academy may require.

(c) The Academy may adopt, amend, and alter bylaws, not inconsistent with the laws of the United States and the District of Columbia, for the management of Academy property and the regulation of Academy affairs.

(h)(1) Except as provided in paragraph (2) and section 410(e), the Academy may obtain grants and contracts, including contracts for classified research for the Department of State, the Department of Defense, the Arms Control and Disarmament Agency, and the intelligence community, and receive gifts and contributions from government at all levels.

(2)(A) The Academy may not accept any gift, contribution, or grant from, or enter into any contract with, a foreign government, any agency or instrumentality of such government, any international organization, or any foreign national, except that the Academy may accept the payment of tuition by foreign nationals for instruction provided by the Academy.

(B) For purposes of this paragraph, the term "foreign national" means—

(i) a natural person who is a citizen of a foreign country or who owes permanent allegiance to a foreign country; and

(ii) a corporation or other legal entity in which natural persons who are nationals of a foreign country own, directly or indirectly, more than 50 per centum of the outstanding capital stock or other beneficial interest in such legal entity.

(C) For purposes of this paragraph, the term "person" means a natural person, partnership, association, other unincorporated body, or corporation.

(i) The Academy may charge and collect subscription fees and develop, for publication or other public communication, and disseminate, periodicals and other materials.

(j) The Academy may charge and collect fees and other participation costs from persons and institutions participating in the Academy's direct activities authorized in subsection (b).

(k) The Academy may sue and be sued, complain, and defend in any court of competent jurisdiction.

(l) The Academy may adopt, alter, use, and display a corporate seal, emblem, badge, and other mark of recognition and colorable simulations thereof.

(m) The Academy may do any and all lawful acts and things necessary or desirable to carry out the objectives and purposes of this title.

(n) The Academy shall not itself undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative bodies, or by the United Nations, except that personnel of the Academy may

testify or make other appropriate communication when formally requested to do so by a legislative body, a committee, or a member thereof.

BOARD OF DIRECTORS

Sec. 406. (a) The powers of the Academy shall be vested in a Board of Directors unless otherwise specified in this title.

(b) The Board of Directors shall consist of nineteen members appointed as follows:

(1) two Members of the Senate, one from each of the major political parties, to be appointed by the President pro tempore of the Senate no later than five days after the confirmation of the members nominated by the President;

(2) two Members of the House of Representatives, one from each of the major political parties, to be appointed by the Speaker of the House of Representatives no later than five days after the confirmation of the members nominated by the President;

(3) eleven persons each of whom shall have appropriate practical or academic experience in peace and conflict resolution efforts of the United States, no more than six of whom may be members of the same political party and none of whom may be employees of the Federal Government, appointed by the President, by and with the advice and consent of the Senate. Not later than ninety days after the date of enactment of this title, the President shall nominate the eleven individuals for the initial Board and transmit their names and any other information to the Senate. If the Senate fails to confirm a nominee, it shall so inform the President. The President shall submit the name of a new nominee within fifteen days of notice of rejection by the Senate; and

(4) four officials who shall serve as ex-officio members of the Board, consisting of the Secretary of State, the Secretary of Defense, the Director of the Arms Control and Disarmament Agency, and the Commandant of the National Defense University or their designees.

(c) A director shall take an oath of office administered by the Vice President of the United States within two weeks after appointment, if a Member of Congress, or after confirmation by the Senate, if a Presidential appointee.

(d) Members of the Board of Directors shall serve the following terms of office:

(1) A Member of Congress appointed to the Board shall serve for a single term of six years and only while serving as a Member of Congress.

(2) When submitting nominations for the initial Board, the President shall stipulate by name four directors who shall serve for five-year terms, four directors who shall serve for four-year terms, and three directors who shall serve for three-year terms. Thereafter, each Presidential appointee, except for a director appointed to fill an unexpired term, shall serve for a five-year term. No Presidential appointee may serve on the Board for more than ten years.

(3) No person may be appointed to less than a full term unless appointed to fill an unexpired term.

(e) Whenever a vacancy occurs on the Board before the expiration of a director's term of office, the vacancy shall be filled—

(1) if a Member of Congress, pursuant to paragraph (1) or (2) of subsection (b) with the appointment made to a full term no later than thirty calendar days after the vacancy occurs; or

(2) if a Presidential appointee, by the Board submitting a list of nominees of no less than three and no more than five names to the President no later than thirty calendar days after the vacancy occurs. The President shall select a nominee from the list and submit the nominee's name to the Senate for confirmation no later than thirty calendar days after receiving the Board's recommendations.

(f) At least ninety days but no more than one hundred and twenty days before the timely expiration of the term of office of any Presidential appointee to the Board, the Board shall submit to the President a list of no less than three and no more than five recommendations for each position. The President shall submit the name of the nominee for each position selected from the Board's list of recommendations, to the Senate for confirmation at least forty-five calendar days before expiration of the term of office to be filled.

(g) A director may be removed from the Board as follows:

(1) A member of the Board appointed from the Congress may be removed by the appointing authority for malfeasance in office, persistent neglect of duties, or inability to discharge duties.

(2) A member of the Board appointed by the President may be removed by the President—

(A) in consultation with the Board, for conviction of a felony, malfeasance in office, persistent neglect of duties, or inability to discharge duties;

(B) upon the recommendation of ten members of the Board; or

(C) upon the recommendation of a majority of the members of the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and a majority of the members of the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate.

A recommendation made in accordance with clause (B) may be made only pursuant to action taken at a meeting of the Board, which may be closed pursuant to the procedures of subsection (i). Only members who are present may vote. A record of the vote shall be maintained. The President shall be informed immediately by the Board of the recommendation. If the President removes the member based on any of the grounds described in clauses (A) through (C), the President shall nominate a successor pursuant to subsection (e).

(h) No member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly and financially benefits the member or pertains specifically to any public body or any private or nonprofit firm or organization with which the member is then formally associated or has been formally associated within a period of two years.

(i) Meetings of the Board shall be conducted as follows:

(1) The President shall stipulate by name the nominee who shall be the first chairman of the Board. The first Chairman shall serve for a term of three years. Thereafter, the Board shall elect a Chairman every three years from among the directors appointed by the President and may elect a Vice Chairman if so provided by the Academy's bylaws.

(2) The Board shall meet at least semiannually, at any time pursuant to the call of the Chairman or as requested in writing to the Chairman by at least five members of

the Board, and as may be provided by the bylaws of the Academy not inconsistent with this title. A majority of the members of the Board, including one member appointed from the Congress, shall constitute a quorum for any Board meeting.

(3) Upon majority vote of the members of the Board, the Board shall adopt, and may from time to time amend, such bylaws as are necessary for the proper management and functioning of the Academy.

(4) All meetings of the Board shall be open to public observation and shall be preceded by reasonable public notice. Notice in the Federal Register shall be deemed to be reasonable public notice for purposes of the preceding sentence. In exceptional circumstances, the Board may close those portions of a meeting, upon a majority vote of its members present and with the vote taken in public session, which are likely to disclose information likely to affect adversely any ongoing peace proceeding or activity or to disclose information of matters exempted from public disclosure pursuant to subsection (c) of section 552b of title 5, United States Code.

(j) A director appointed by the President shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule in section 5332 of title 5, United States Code, for each day during which the director is engaged in the performance of duties as a member of the Board.

(k) While away from his home or regular place of business in the performance of duties for the Academy, a director shall be allowed travel expenses, including a per diem in lieu of subsistence, not to exceed the expenses allowed persons employed intermittently in Government service under section 5703(b) of title 5, United States Code.

OFFICERS AND EMPLOYEES OF THE ACADEMY

SEC. 407. (a) The Board shall appoint the president of the Academy and such other officers as the Board determines to be necessary. The president shall be a nonvoting ex officio member of the Board. All officers shall serve at the pleasure of the Board. The president shall be appointed for an explicit term of years. Notwithstanding any other provision of law limiting the payment of compensation, the president and other officers appointed by the Board shall be compensated at rates determined by the Board, but no greater than those provided for by level I of the Executive Schedule of chapter 53 of title 5, United States Code.

(b) Subject to the provisions of section 410(e), the Board shall authorize the president and any other officials or employees it designates to receive and disburse public moneys, obtain and make grants, enter into contracts, establish and collect fees, issue certificates and other honorifics, and undertake all other activities necessary for the efficient and proper functioning of the Academy.

(c) The president, subject to Academy bylaws and general policies established by the Board, may appoint, fix the compensation of, and remove such employees of the Academy as the president determines necessary to carry out the purposes of the Academy. In determining employee rates of compensation, the president shall be governed by the provisions of title 5, United States Code, relating to classification and General Schedule pay rates.

(d)(1) The president may request the assignment of any Federal officer or employee to the Academy by an appropriate depart-

ment, agency, or congressional official or Member of Congress and may enter into agreement for such assignment, if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the department, agency, or congressional staff of such officer or employee.

(2) The Secretary of State, the Secretary of Defense, the Director of the Arms Control and Disarmament Agency, and the Director of Central Intelligence each may assign officers and employees of his respective department or agency, on a rotating basis to be determined by the Board, to the Academy if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the respective department or agency of such officer or employee.

(e) No officer or full-time employee of the Academy may receive any salary or other compensation for services from any source other than the Academy during the officer's or employee's period of employment by the Academy, except as authorized by the Board.

(f)(1) Officers and employees of the Academy shall not be considered officers and employees of the Federal Government except for purposes of the provisions of title 28, United States Code, which relate to Federal tort claims liability, and the provisions of title 5, United States Code, which relate to compensation and benefits, including the following provisions: chapter 51 (relating to classification); subchapters I and III of chapter 53 relating to pay rates; subchapter I of chapter 81 (relating to compensation for work injuries); chapter 83 (relating to civil service retirement); chapter 87 (relating to life insurance); and chapter 89 (relating to health insurance). The Academy shall make contributions at the same rates applicable to agencies of the Federal Government under the provisions of title 5 referred to in this section.

(2) No Federal funds shall be used to pay for private fringe benefit programs. The Academy shall not grant academic tenure or make long-term commitments to employees that are inconsistent with rules and regulations applicable to Federal employees.

(g) No part of the financial resources, income, or assets of the Academy or of any legal entity created by the Academy shall inure to any agent, employee, officer, or director or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this section may be construed to prevent the payment of reasonable compensation for services or expenses to the directors, officers, employees, and agents of the Academy in amounts approved in accordance with the provisions of this title.

(h) The Academy shall not make loans to its directors, officers, employees, or agents, or to any legal entity created by the Academy. A director, officer, employee, or agent who votes for or assents to the making of a loan or who participates in the making of a loan shall be jointly and severally liable to the Academy for the amount of the loan until repayment thereof.

PROCEDURES AND RECORDS

SEC. 408. (a) The Academy shall monitor and evaluate and provide for independent evaluation if necessary of programs supported in whole or in part under this title to ensure that the provisions of this title and

the bylaws, rules, regulations, and guidelines promulgated pursuant to this title are adhered to.

(b) The Academy shall prescribe procedures to ensure that grants, contracts, and financial support under this title are not suspended unless the grantee, contractor, or person or entity receiving financial support has been given reasonable notice and opportunity to show cause why the action should not be taken.

(c) In selecting persons to participate in Academy activities, the Academy may consider a person's practical experience or equivalency in peace study and activity as well as other formal requirements.

(d) The Academy shall keep correct and complete books and record of account, including separate and distinct accounts of receipts and disbursements of Federal funds. The Academy's annual financial report shall identify the use of such funding and shall present a clear description of the full financial situation of the Academy.

(e) The Academy shall keep minutes of the proceedings of its Board and of any committees having authority under the Board.

(f) The Academy shall keep at its principal office a record of the names and addresses of its Board members; copies of this title, of any other Acts relating to the Academy, and of all Academy bylaws, rules, regulations, and guidelines; required minutes of proceedings; a record of all applications and proposals and issued or received contracts and grants; and financial record of the Academy. All items required by this subsection may be inspected by any Board member of the member's agent or attorney for any proper purpose at any reasonable time.

(g) The accounts of the Academy shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States on or before December 31, 1970. The audit shall be conducted at the place or places where the accounts of the Academy are normally kept. All books, accounts, financial records, files and other papers, things, and property belonging to or in use by the Academy and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(h) The Academy shall provide a report of the audit to the President of the United States and to each House of Congress no later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the Academy's assets and liabilities, surplus or deficit, with reasonable detail, including a statement of the Academy's income and expenses during the year including a schedule of all contracts and grants requiring payments in excess of \$5,000 and any payments of compensation, salaries, or fees at a rate in excess of \$5,000 per annum. The report shall be produced in sufficient copies for the public.

(i) The Academy and its directors, officers, employees, and agents shall be subject to the provisions of section 552 of title 5, United States Code (relating to freedom of information).

INDEPENDENCE AND LIMITATIONS

SEC. 409. (a) Nothing in this title may be construed as limiting the authority of the Office of Management and Budget to review and submit comments on the Academy's budget request at the time it is transmitted to the Congress.

(b) No political test or political qualification may be used in selecting, appointing, promoting, or taking any other personnel action with respect to any officer, employee, agent, or recipient of Academy funds or services or in selecting or monitoring any grantee, contractor, person, or entity receiving financial assistance under this title.

FUNDING

Sec. 410. (a) For the purpose of purchasing, leasing, renting, or otherwise acquiring and improving a suitable site for a principal office for the Academy, the Center for International Peace, and for the legal entity authorized to be established under section 404 of this title, in or within easy reach of the District of Columbia, there are authorized to be appropriated on or after October 1, 1983, to the Academy a capitalization fund of \$7,500,000 which shall remain available to the Academy without regard to fiscal year limitations, except that none of such funds may be used to pay for the construction of any building or facility for the Academy.

(b) For the purpose of establishing the programs and administering the affairs of the Academy as authorized by this title (except for paragraph (10) of section 405(b)), there are authorized to be appropriated for the fiscal year 1985, \$6,000,000 and for the fiscal year 1986, \$10,000,000. Monies appropriated for the fiscal year 1985 shall remain available to the Academy through the fiscal year 1986.

(c) The Board of Directors may transfer to the legal entity authorized to be established under section 4(e) any funds not obligated or expended appropriations to the Academy for a fiscal year, and such funds shall remain available for obligation or expenditure for the purposes of such legal entity without regard to fiscal year limitations. Any use by such legal entity of appropriated funds shall be reported to each House of the Congress and to the President of the United States.

(d) Any authority provided this title to make contracts shall be effective for a fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(e) Notwithstanding any other provision of this title, the Academy and the legal entity described in section 404(e) may not obtain any grant or contract or receive any gift or contribution from any private agency, organization, corporation or other legal entity, institution, or individual.

DISSOLUTION OR LIQUIDATION

Sec. 411. Upon dissolution or final liquidation of the Academy or of any legal entity created pursuant to this title, all income and assets of the corporation or other legal entity shall revert to the Treasury of the United States.

REPORTING REQUIREMENT AND REQUIREMENT TO HOLD HEARINGS

Sec. 412. Beginning two years after the date of enactment of this title, and at intervals of two years thereafter, the chairman of the Board of Directors of the Academy shall prepare and transmit to the Congress and the President a report detailing the progress the Academy has made in carrying out the purposes of this title during the preceding two-year period. The President shall

prepare and transmit to the Congress within a reasonable time after the receipt of such report the written comments and recommendations of the appropriate agencies of the United States with respect to the contents of such report and their recommendations with respect to any legislation which may be required concerning the Academy. After receipt of such report by the Congress, the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate shall hold hearings to review the findings and recommendations of such report and the written comments received from the President.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. If the Senator from Oregon will withhold, the Senate is not in order. Senators will take their seats and vacate the well. Staff will sit down or leave the Chamber. Senators wishing to converse will retire to the cloakroom.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the amendment now pending be temporarily laid aside for not longer than 5 minutes in order that the Senator from Wyoming may offer an amendment which has been cleared on both sides of the aisle and that the Senator from Oregon then be recognized to resume the explanation of his amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? Without objection, it is so ordered.

The Senator from Wyoming.

Mr. WALLOP. I thank the Senator from Oregon.

AMENDMENT NO. 3271

Mr. WALLOP. Mr. President, on behalf of the Senator from Virginia [Mr. WARNER], and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for himself and Mr. WARNER, proposes an amendment numbered 3271.

Mr. WALLOP. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(E) The funds authorized to be appropriated for the Strategic Defense Initiative shall be managed by the Director of the Strategic Defense Office, subject only to the approval of the Secretary of Defense, and applicable laws, including the submission to the Congress of plans for reprogramming of funds. The Director of the Strategic Defense Office is authorized to establish all appropriate programs and demonstrations and to contract directly with private industry or the national laboratories.

Mr. WALLOP. Mr. President, this amendment establishes the manage-

ment of the Strategic Defense Initiative on a sound footing, and provides realistic interim goals for its work. Many people, including myself, have noted that the Strategic Defense Program has had an uncertain beginning. It took the Pentagon 1 full year, after it received the President's order, to set up a Strategic Defense Office, and find a Director. The study which occupied most of that year, the Fletcher panel's study, was so technically incompetent that I challenge anyone in this Chamber, or elsewhere, for that matter, to defend its main technical points.

The premises on which the Fletcher panel worked are plainly ridiculous—that we should design an overall system that would be 99.75 percent effective, and that we should build no part of it until all parts were ready to go, sometime in the 21st century. Thus, the American people would have been asked to spend billions for 20 years, while receiving no safety in return, and while at the same time the Soviet Union is building effective anti-missile weapons month after month, year after year.

Spokesmen for the administration immediately recognized that this makes no sense strategically or politically. Thus they began to speak of interim goals for strategic defense. Hence the Congress and the press began to speak of contradictions within the administration. But, in the realm of common sense, there is no contradiction at all between the intention of taking a long journey toward the eventual elimination of ballistic missiles, and the taking of the necessary first steps. The only people that can see this as a contradiction are the utopians who were appointed to the Fletcher Panel, and the utopians here in the Congress who believe that somehow we ought to demand either an instant, foolproof defense, or vow to be forever without a defense. Commonsense, however, counsels us to do what we can with what we've got.

The newly appointed Director of the Strategic Defense Office understands this elementary truth. The new Strategic Defense Office not only has to do a very big job; it also has to overcome the Pentagon's bureaucracy and a start that has left doubts in many minds.

The Armed Services Committee, in its report, acknowledges the difficulties and points out the solutions. It notes that the Director of the Strategic Defense Office should have the authority to actually decide which programs should be pursued, and to pursue them according to his best judgment.

The report of the Armed Services Committee also seeks to bolster the Strategic Defense Office's hand in overcoming the false start in the program.

There continues to be strong bureaucratic pressure for spending the money authorized for research alone on strategic defense, not for providing protection for the American people, but for the development of exotic technology that might or might not be useful a generation from now. That is why the report tries to focus the program toward near-term results. This is thoroughly consistent with the intention of the Director of the Strategic Defense Office.

However, Mr. President, report language is not enough. The Director of the Strategic Defense Office does not now have the power to do what the report says he ought to do. He does not have the power to take us into a new field competently and efficiently. Look back one generation to the few brief years when our present strategic weapons were conceived, designed, and built in a burst of creativity and efficiency. In those years we simply confided the task to competent individuals, and gave them the power commensurate with their responsibility.

Gen. Bernard Shriever thus delivered to us the IRBM in less than 4 years, while Adm. "Red" Raborn delivered to us the Polaris system in about 4 years. Today, too, when we are serious, as we are in certain highly classified programs authorized by the Intelligence Committee, this is what we do. This is what we do when we want technical success at a reasonable price and in good time.

When we are not serious, then we get programs managed regularly, like MX. They take a generation, cost unbelievable amounts, and end up of doubtful worth. That is why, Mr. President, we have to give the Director of the Strategic Defense Office full power and full responsibility, under the Secretary of Defense, to shape the program and move it forward. In a new field it is especially important to be able to fix responsibility.

Mr. President, what we are doing is authorizing the funds authorized to be appropriated for the strategic defense initiative to be managed by the Director of the Strategic Defense Office, subject only to the approval of the Secretary of Defense, and applicable laws, including the submission to the Congress of plans for reprogramming of funds.

What we have now is a Director for this office and will have somebody in charge who can make some quick decisions and some valid decisions as to what is the best path for this country to pursue, both near and far term.

Congress is in no position to do that. I think nobody but that office is for a year or two while we get down to the business of doing it and then having a submission back to us as to what he has undertaken.

It is my understanding that the distinguished managers of the bill for the

majority and the minority have agreed to this.

Mr. WARNER. Mr. President, I am privileged to be a cosponsor of this amendment. It simply reinforces the concept of the role of the program manager. He can determine the content of the program. He can manage the resources and he can contract directly.

I think it strengthens the hand of a very important program manager. I urge our colleagues to accept the amendment.

Mr. WILSON. Mr. President, I would ask the Senator from Wyoming to add me as a cosponsor, and I ask unanimous consent that I be so added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President, I think the Senator from Virginia has put the case very well. Unless there is additional debate, we are prepared to accept the amendment.

Mr. WALLOP. Mr. President, I am pleased to add the Senator from California as a cosponsor.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I send a perfecting amendment to the—

The PRESIDING OFFICER. Under the previous order, the Senator had 5 minutes for the amendment. The Senator's 5 minutes have expired.

Mr. WILSON. Mr. President, I wonder if we might ask unanimous consent to extend to the Senator from Wyoming time of 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. I object; I want to have more discussion on this.

Mr. President, I suggest the absence of a quorum.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. A quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that further proceeding under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, a disagreement having been discovered over the recent amendment of the

Senator from Wyoming, I ask unanimous consent that we go back to the order of business, the amendment of the Senator from Oregon, and that we be permitted to consider this at such time as it is appropriate without prejudice.

The PRESIDING OFFICER. The Chair would advise the Senator that regular order is a consideration of the amendment of the Senator from Oregon.

Mr. WALLOP. Mr. President, I ask unanimous consent that I may be permitted to call up my amendment at the appropriate time.

The PRESIDING OFFICER. The Senator has that right any time without unanimous consent.

Mr. WALLOP. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon is recognized.

AMENDMENT NO. 3270

Mr. HATFIELD. Mr. President, I thank my colleagues. I rise on behalf of my colleagues, Senators MATSUNAGA, RANDOLPH, JEPSEN, STAFFORD, MOYNIHAN, BINGAMAN, MATHIAS, HEINZ, MURKOWSKI, KENNEDY, RIEGLE, SARBANES, CRANSTON, HUDDLESTON, BUMPERS, LAUTENBURG, BOSCHWITZ, SASSER, SIMPSON, BOREN, PRYOR, METZENBAUM, BAUCUS, BIDEN, DODD, EXON, FORD, GLENN, HOLLINGS, BRADLEY, BURDICK, BYRD, MITCHELL, MELCHER, DECONCINI, CHILES, INOUE, JOHNSTON, LEVIN, and LEAHY, to propose an amendment authorizing the establishment of a National Academy of Peace.

During the past days and nights, we have been making important decisions about the type and level of weaponry our Nation must develop and deploy in the coming year. We also have been making decisions which will shape not only U.S. foreign policy, but also the role of the Department of Defense in the coming years.

During our sometimes heated debates, our goal has been a shared one: Defending the national security of the United States. To defend is to protect, to guard, and to uphold. The role of the Department of Defense, and indeed the Government of our Nation is to defend our Nation, its people, and its interests.

The cosponsors of this amendment and I are convinced that the maintenance of that defense is well served by education in peaceful means of conflict resolution. If we as a Nation understand negotiation and view it as a viable response to conflict, perhaps we will be able to lessen the drain on our economic and human resources demanded by our military complex. We may then better address the needs of the homeless, the poor, and the economically underprivileged of our Nation and our world.

If wars do indeed begin in the minds of men, it is there that we must wage the battle for peace.

Nine years ago, Senator Vance Hartke and I introduced legislation creating a National Academy of Peace. We envisioned the creation of an academic institution designed to foster the study of peaceful means of conflict resolution. The initiative has been through numerous congressional hearings, studied by a congressional commission and endorsed by more than 200 Members of Congress. And yet, there has never been a Senate vote on the Peace Academy.

S. 564, the National Academy of Peace Act, is the most recent version of this initiative to be introduced in the Senate. Senator MATSUNAGA and Senator RANDOLPH, who have consistently joined me in calling for the establishment of a National Academy of Peace, again joined me in sponsoring this bill more than 1 year ago. It was reported favorably by the Senate Labor and Human Resources Committee last summer. Currently claiming 55 Senate cosponsors from all over the political spectrum, the bill has been on the Senate calendar since September.

The individuals, institutions, and Members of Congress who share my dream deserve an opportunity to make that dream a reality. We have worked too hard for too long to see this legislation die of inaction.

In several months, we will bid farewell to our distinguished colleague, JENNINGS RANDOLPH, who has served the people of West Virginia and the people of our Nation as a Member of Congress for 40 years. In those 40 years, Senator RANDOLPH consistently has called his colleagues to search for the humanitarian response to national and international crises. As one of the original planners of the National Academy of Peace legislation, he has provided vision and strength to our drive for its creation. Included in the amendment I propose tonight is a provision naming the Peace Academy's Center for International Peace after the Senator from West Virginia—a fitting tribute to his commitment.

Mr. President, every 45 minutes, the world spends enough money on arming itself to operate the Peace Academy for 2 years. The funding level included in the amendment I propose tonight for the Peace Academy would cost every American 5 cents a year; the budget we are likely to pass tomorrow will cost each American more than \$1,000 a year. Over 2 million U.S. soldiers are on active duty around the world at any given time, ready to defend our national interests. It is high time that the Federal Government employ some people to make peace. It is high time someone's job description included the responsibility to make peace, to pursue peace, to prepare for peace, and to advance the search for peace.

The time for a vote on the Peace Academy is now. We can wait no longer.

Mr. President, let me summarize briefly the purpose of this amendment.

The Father of our Country, President George Washington, recognized the need for adequate training and education of our citizenry in the ability to defend this Nation in a time of war, and the sometimes necessary use of force. In his wisdom as the Father of our Country, he also perceived that it was equally important to develop the capabilities of reconciling differences, mediating, and conciliating. In other words, as President, George Washington demonstrated his ability to train people for the purposes of peacemaking as well as the ability and capability for warmaking. I believe the overwhelming majority of Presidents succeeding President Washington has advocated and supported the proposition incorporated in this particular amendment.

Mr. President, this amendment has not come about on a whim or on the basis of the recently conceived concept or idea of an individual Senator or group of Senators. The first bill was introduced 9 years ago, Senator Vance Hartke of Indiana and I introduced a bill creating the Academy of Peace.

It was never voted on.

We now have over 200 Members of the Congress who have endorsed this concept. Yet the Senate has not had an opportunity to vote on it.

When this proposal was first offered, there was repeated nonaction. Because of the nonaction, however, a blue ribbon commission was appointed by the President of the United States, by the Speaker of the House, and by the President of the Senate, composed of distinguished legislators and citizens from the public, and assigned the duty and responsibility to make a complete and total survey of the idea, the concept, and the proposal.

That distinguished Commission made a very comprehensive report to the Congress. It was presented as an official report of the Vice President representing the President of the United States on a momentous occasion. It was then made as a report back to the Congress.

A bill was introduced following the commission report and was referred to the Senate Labor and Human Resources Committee.

Mr. President, that committee made its report to the Senate last summer. The proposal now has 56 Senate cosponsors.

If there ever was an idea whose time has come for consideration, I believe it is embodied in this amendment.

Mr. President, I am not suggesting that, by establishing a Peace Academy, we are going to be guaranteed the

peace we all seek in the world and the absence of hostilities. But I do believe, however, that there is a definite skill required in reconciling differences in peaceful ways. Such skill is required whether it is labor or arbitration, whether it is conciliation between management and labor, or whether it is a reconciliation effort between husband and wife. There is that definite skill required in this complex society of ours.

I believe, therefore, that it is important to have this kind of skill encouraged within the educational and academic programs of this country. Such encouragement would actually be provided by this amendment.

In the most recent version of this initiative introduced in the Senate a year ago, Senator RANDOLPH and Senator MATSUNAGA, who have consistently joined in this effort for the establishment of a National Peace Academy, again joined me as the major sponsors. These two Senators have certainly served, both in the Senate and the Commission which made the study, which was chaired by Senator MATSUNAGA, and deserve the accolades of all the Members.

I must add a very personal note, which I believe will again reflect the sentiment of my colleagues here in the Senate.

In several months we will bid farewell to our distinguished colleague, Senator JENNINGS RANDOLPH of West Virginia, who has served the people of that State and the people of our Nation as a Member of Congress for 40 years. In those 40 years, Senator RANDOLPH has consistently called his colleagues to search for the humanitarian response to national and international crises. As one of the original planners of the National Academy of Peace legislation, he has provided vision and strength to our drive for its creation. Included in the amendment, Mr. President, I propose tonight is a provision naming the Peace Academy center for international peace after the Senator from West Virginia, paying tribute, I believe, to his commitment. Senator RANDOLPH has known nothing of this provision as we have worked to draft this amendment. The tribute is an earned one, paid for by dedication and vision.

Mr. President, every 45 minutes the world spends enough money on arming itself to operate the Peace Academy for 2 years.

It is important to recognize that the funding level included in the amendment I propose tonight for the peace academy would cost every American 5 cents a year. The budget we are likely to pass tomorrow will cost each American more than \$1,000 a year, an outrageous price for the ability to defend this country through warmaking activities. Over 2 million United States soldiers are on active duty around the

world at any given time, ready to defend our national interests. I believe it is high time that the Federal Government employ some people in an army of peacemakers, skilled in training and in purpose. I believe it is high time somebody's job description included the responsibility to make peace, to pursue peace, to prepare for peace, and to advance the search for peace.

Mr. President, let me be very frank. I know that there have been those who have been suspect of any effort to establish such an academy. There have been those who have felt that perhaps in some way or another such an academy would become a front for some of the people who have been involved in other peace movements around the world.

There is no question that there have been those who have exploited the yearning for peace in the hearts of people everywhere, in America and around the world. And there have been those who have hidden behind such peace movements, people who have infiltrated; not for the purpose of peace, but for the purpose of advancing some political ideology or some other cause.

But, let me also say to my dear colleagues that such people who have infiltrated have worked through churches, labor unions, and other institutions for those causes. Peace movements are not alone. I believe that in the structuring of this academy, with the Secretaries of Defense and State as members of the board of overseers, with other persons who are appointed by the President of the United States, that we have as much safety and security from this kind of program being infiltrated or dominated or influenced as does Annapolis, West Point, the Colorado Air Force Academy, or any other military academy where we are training people in warmaking capability.

Again, this is something that is not new to our scene. George Washington and all the other Presidents have advocated this. They have been men of peace; men who are willing to take their stand for the defense of this country in time of war. I would hope that we not draw the red herrings and raise straw men, because this is a straightforward proposal that is well-founded in the history of the Republic. I believe it is a proposal which deserves the support of all the Members of this body, even beyond those 56 who have cosponsored this bill.

Mr. President, by just a matter of courtesy of the Senate, I would urge the Chair to give recognition to those chief sponsors, Senator RANDOLPH, Senator MATSUNAGA, and Senator STAFFORD for opening remarks. These are the men who have really been on the battleline, in the committee and elsewhere, for this idea for many years.

I do not expect to call for a rollcall. I do not expect to speak long. I have spoken my piece. I will be happy to answer questions, as a sponsor of this amendment.

There are those who have ideas about this on both sides of the question. I would hope that we could bring this colloquy and this discussion to a conclusion and take final action on this, hopefully by a voice vote, unless others require a rollcall. I do not seek a rollcall on it.

I would like to yield, Mr. President, to my good colleague, Senator RANDOLPH, at this time, if the Chair would so order.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I hesitate, but I do hope that, there can be order in the Senate so that those of us who wish to discuss the pending amendment will have the opportunity to do so. I well understand the desire to discuss other matters.

The PRESIDING OFFICER. The Senator's point is well taken. Those Senators wishing to converse will retire to the cloakrooms to do so. The Senator is entitled to be heard.

Mr. RANDOLPH. Mr. President, at the outset of the remarks that I shall make on the pending amendment, I wish to speak from the depth of my being in appreciation of the commitment of so many Members of the Senate, regardless of party affiliation, who compose the some 58 sponsors of this legislation. I especially wish to thank the Senator from Oregon [Mr. HATFIELD] for his commitment expressed tonight, in quiet terms, but from within him. Over a long period of time there have been the understandable stirrings of a hope for passage, not only in this body but in the House of Representatives, of legislation to bring about the creation of a National Peace Academy.

Joined with Senator HATFIELD, I express a very, very deep appreciation to our colleague, Senator MATSUNAGA of Hawaii. He has been such an integral part of this program on which we have worked for many, many years. In fact, I think that I want the record to indicate that within our Committee on Labor and Human Resources, we have had often the understanding and the help of the chairman of that committee, ORRIN HATCH of Utah, and ROBERT STAFFORD, also of the majority on that committee, our esteemed colleague in the years that I have served in the Senate as well as in connection with the Committee on Environment and Public Works, ROBERT STAFFORD, of Vermont. And last, but never least, our esteemed colleague, Senator CLAIBORNE PELL, then chairman of the Education Subcommittee from whence came the original Peace Academy bill in 1976.

Mr. President, I wish to be thoroughly understood when I say that, to me, it was a well-reasoned appeal when, recently, our able majority leader did something that I believe to be a good thing. He appealed to the President of the United States, Ronald Reagan, and asked, in a sense, that our Chief Executive of this Republic shift his approach to the Soviets by scheduling annual summit meetings in an effort to ease superpower tensions.

Let us go back across the years. Let us return to the Presidency of Franklin Roosevelt. I remember in April 1945 Franklin Roosevelt was to speak to a very important group of citizens in what was then known as the "Museum Beneath the Arch" in St. Louis, MO. It was an address prepared by President Franklin Roosevelt which he did not live to present to that audience and which was never known to the populace generally. I quote to my colleagues from that undelivered speech Franklin Roosevelt's words, truer to me today than they were 39 years ago. Please listen to those prophetic words.

"Today," said Franklin Roosevelt in a speech never to be delivered, "we are faced with the preeminent fact that if civilization is to survive, we must cultivate the science of human relations—the abilities of all people, of all kinds, to live together and work together in the same world at peace."

I come into the last 6 months of working here in the Senate with good friends regardless of political sides of the aisle, my years have spanned more than 51 in this historic city, and nearly 40 years—since I came here to the Capitol as a Member of the House, being sworn in in March 1933. I have worked, as other Senators and Members of the House have worked, on what we would not call so much legislative battles, but crusades, often, which have been a part and parcel of our work here.

Mr. President, the idea of creating a peace office within the U.S. Government is one project that remains unfinished, not just for myself but for the Members of Congress and the people of the United States. My experience with others in creating institutions convinces me that the proper launching of a new institution requires appreciation for the history of the development of the idea itself. I am grateful that for perhaps the last time in this body, I shall be speaking affirmatively as I am now speaking for that which is not for one or two or three Senators, but hopefully will, if it becomes law, benefit all the citizens of the United States and contribute to understanding among humankind around the world. The impressions that I have had I consider often as important elements and themes in the sometimes extended debates which have moved forward on the academy

concept. I say to my friends, the Peace Academy concept has had its roots in the drafting of the Constitution of the United States. This is a fact and it has special relevance because of the often asked question: Should the Federal Government be involved in this sort of educational activity?

There are those, and I am not critical of them, who claim that education is the responsibility always of the private sector and that the Peace Academy represents a deviation from that principle. Supporters—some of them—of this amendment believe that this is an idea which can be, perhaps without overstatement, a catalyst, and we believe it will, if it is established, enhance the national security of the United States. In my opinion, it is a logical, appropriate Federal responsibility.

I draw my colleagues' attention to the year 1793.

Those were the hours when the architects of our Republic conceived the Federal Government's most important role as that of the protector of our collective security.

The question is not whether education is a Federal responsibility but whether the maintenance of our national security should include governmental involvement in certain types of education. My response is in the affirmative. National security has come to take on a new meaning in the modern age—a meaning that poses new and demanding challenges. National security, I believe, includes the maintenance of military might. We surely must remain adequately prepared to defend ourselves and our interests—yes, our very country and its people. And to do that upon the battlefields if necessary. And I commend all the Members of this body and our associate body, the House of Representatives, who have served in conflicts.

However, national security has also come to include the ability to avoid armed conflict if it is possible to do so. The potential consequence of failing to avoid armed conflict—yes, perhaps nuclear conflict—certainly staggers the imagination as we think of war and of its implications and its results in this nuclear age. We do not leave the preparation of our military approaches to conflict resolution to the private sector. Neither can we leave the pursuit of nonmilitary approaches to the private sector alone.

The Federal Government has on many occasions injected itself into educational situations with what I call positive results. For example, we cannot discount—I do not—our military academies. I had not thought to say this, but in our office, our administrative assistant is Philip McGance of West Virginia, a graduate of West Point.

There are those educational institutions, as Senator HATFIELD has said—West Point, the Naval Academy, the Air Force Academy, Coast Guard Academy, and other units of preparation—all of which have been brought into being by the actions of Congress. They are justified in my opinion because of our need to adequately train young men and young women in what I call the military arts to protect, as I have emphasized, the national security of this country.

Now, the Peace Academy is in a sense much the same. It represents the recognition of our Federal Government's responsibility to investigate and prepare ourselves for all facets of the maintenance of our national security. I know there is one fact that is certain. The Federal Government has long been in the business of creating educational and research institutions such as:

First, the U.S. Department of Agriculture's Graduate School;

Second, the Uniformed University of Health Sciences;

Third, the Federal Executive Institute;

Fourth, the Naval Post-Graduate School;

Fifth, the National Institutes of Health;

Sixth, the Air Force Institute of Technology;

Seventh, Howard University; and

Eighth, all land-grant colleges and universities.

Our Government has not hesitated to exercise a constructive role in research and education when it became necessary to fill a need not met by the private sector.

The free exchange of ideas, the freedom of expression, and the multiplicity of paths of inquiry are all major factors in making our system of education the very best in the world.

In order to promote, and not stifle, pluralism in education, the Peace Academy bill calls for outreach and involvement of educators and institutions of all kinds around the country and the world.

We have resisted any attempts to make the Academy a monolithic, Washington-based think tank.

It must become and remain an entity of the American people.

Our committee report notes that:

It is our expectation that the Academy's primary role is to coordinate its own programs with, and enhance the efforts of, existing institutions with programs in peace studies and conflict resolution.

The Peace Academy is intended to be a catalyst.

It will build on pluralism, while greatly accelerating the process through which our outstanding educational system has begun the development of the field of peace and conflict resolution.

The most critical question raised during the debate about the Academy is that of independence.

The Academy must function with a freedom that leaves no doubt as to its academic integrity and autonomy.

We desire to create an institution that, like any educational institution of good reputation, is regarded as one that is capable of free and independent analysis and inquiry.

The question of autonomy and control quite naturally raises the issue of the governance of the Academy.

Who will be its board of directors? This is one of the most important issues that underlines the debate, for the makeup of the board—and particularly the first board—will be perhaps the most crucial factor in setting the direction and credibility of the Academy.

Above all, balance is required. The political right must not come to believe that the political left controls the Academy—and vice versa. A political test is required of board nominees—that is, there are stipulations as to how many registered Democrats or Republicans can serve at one time, but the issue goes much deeper than simple political party affiliation. The Academy, quite literally, must remain above question of partisan politics—its board must bring to it stature, credibility, and a deep commitment to academic integrity based upon ideological balance.

That is precisely what the Labor Committee had in mind when it charged the board with the responsibility to ensure that, for the purposes of balance, a wide variety of viewpoints in relevant areas be represented among those individuals and entities receiving assistance from the Academy.

The committee suggested to the President that Presidential nominees be men and women of eminence in the issues of peace and conflict resolution.

It went on to recommend a mix of eminent academicians, lawyers, corporate figures, labor leaders, and others who have contributed to the resolution of conflict throughout the world.

Our concern about an independent, freestanding Peace Academy is heightened by experience with the evolution of the Arms Control and Disarmament Agency. Here is an entity that, in many ways, is a direct ancestor of the Peace Academy; I actually was given some of the responsibilities of the proposed Academy when it was first created in 1962. But the Arms Control and Disarmament Agency lost its true ability to perform independent research and analysis because it became controlled by—administratively and bureaucratically—whichever administration happened to be in power at the time. It became completely dependent upon the State and Defense Departments, and therefore could not

become an independent advocate of arms control within the Government. The Arms Control and Disarmament Agency became a policy-generating entity. As experience would seem to confirm, a policy role and an independent educational role simply do not mix.

None of this is meant to denigrate the performance of the Arms Control Agency. Over the years I have consistently recognized and supported the need for a strong and dynamic Arms Control Agency. But, the research and education function is one that has become nearly nonexistent, due to the Agency's dwindling resources. For the Peace Academy to fill that void, it is going to have to be modeled on something other than that Agency. Its board and executive staff must be able to operate free from Federal control. The enabling legislation includes safeguards which make this possible. It must not become embroiled in ongoing policymaking disputes. It must maintain an image of thoroughness, evenhandedness, and integrity. It must remain, in the truest sense of the word, nonpartisan. The Arms Control and Disarmament Agency is an important entity, but when its creators foresaw for it that sort of nonpartisan, educational role, they were asking for more than it could structurally deliver. The two functions—education and policymaking—simply must be kept separate. Hence, the Peace Academy.

I noted earlier that even some of our critics agree on this point. By that, I mean that there are a number of people—from both the left and right—who have objected to the Peace Academy proposal on the grounds that its independence cannot be guaranteed, therefore, we ought not move forward. This sort of criticism is clearly based upon at least an implied recognition of the value and potential in the idea. Many critics will concede that, if done correctly, they do indeed see the need for the Academy. The key will be in setting the Academy up in such a way that Congress—and the American people—can be confident that its chances for being successfully insulated from outside influence have been maximized.

There is one other issue which often raises real passion within the Peace Academy debate. It is an issue which is often left below the surface—but it has dogged the Peace Academy legislation from its inception. I refer to the argument over the symbolic impact that the Peace Academy will have both at home and abroad.

We would never advocate creation of a Peace Academy based solely on a symbolic impact. Clearly, a solid justification based on real need and potential performance is a prerequisite to congressional approval. However, it is important to consider the potential within the idea for making a profound

impact overseas. I am convinced that the announcement of the Peace Academy's creation will have an enormously positive impact, sending a signal to the world that the United States is prepared to dedicate the same sort of resources—and I refer more to intellectual resources than to financial—to the preparation for peace as is dedicated to the preparation for war.

The question of international perception of the Peace Academy is one that, I believe, creates deep disagreements which are based on fundamental differences of opinion about today's world, and America's role in it.

The argument has been made in opposition to the Academy that its creation will send a signal of weakness to our adversaries and friends abroad, that it will encourage unfavorable Soviet perceptions. Some opponents have contended that by taking this step we run the risk of neglecting the other important issues which play on the vital questions of war and peace.

This is a misguided and unaware attitude. It is rooted, I think, in the notion that strength is a single-dimensional element in international politics of the 1980's. To me, that is a most dangerous assumption. I have never been an advocate of unilateral disarmament—you will never find me furthering any position other than that we need to maintain a strong and ready national defense. But today's world demands recognition of new elements and new realities in international relations, and the creation of the Peace Academy—among other things—would send a signal to the world that we are capable of that sort of recognition.

I feel strongly that we have got to realize that in today's world, power, security and international prestige mean more than just guns and the ability to use them. In fact, real security today rests firmly on the capability to avoid using guns whenever possible. I think former Assistant Secretary of State Harold Saunders said it best when he noted that:

A strictly military or strategic approach to the problems of the world does not meet the full challenge to the U.S. interest in building a more stable world.

I submit that the Peace Academy will not say to the world, we are weak. Rather, it will say to the world, we are strong; we are imaginative, we are dedicated to new and bold ideas to help bring peace to the world.

To those who argue that the Academy will signal our lack of resolve, I must ask: Which would be the real sign of weakness—and I mean not just military, but intellectual and moral weakness—creating the Peace Academy, or not creating the Peace Academy?

I am gratified by the progress we've made to date—and I remain confident

that the Congress will now move to pass this historic piece of legislation. If it does, I am convinced that the creation of the U.S. Academy of Peace will be regarded by those who come after us as one of the most significant investments in the future our country has ever had.

Mr. President, I extend my commendation and thanks to the Senate staff members who have worked so diligently, some of them over a period of years, in the formulation of this legislation to establish a U.S. Academy of Peace. There are many such individuals in both our Senate offices and on the Committee on Labor and Human Resources. I particularly express appreciation to Birdie Kyle who has been my principal staff person since 1976 on the Peace Academy. Her commitment and staff work have been vital to the development of this measure and in bringing it to fruition.

Senators and Senate staff have been assisted also by the representatives of the National Peace Academy Campaign.

Mr. President, I ask unanimous consent to have printed in the RECORD related articles and letters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A BRIEF SUMMARY—S. 564, U.S. ACADEMY OF PEACE

The Peace Academy legislation originated from a Congressionally-mandated Commission on Proposals for a National Academy of Peace and Conflict Resolution. There have been three Senate hearings on this proposal and two favorable Committee votes. S. 564 has been on the Senate Calendar since September, 1983. There are 55 Senators and 176 Representatives who have cosponsored this legislation and who view this bill as an effective way to strengthen our national security.

The Peace Academy would be a federally-created, federally-funded, independent, non-profit institution. It would serve as a national research, educational, and resource center in the fields of peace and conflict management. Not only would it perform such work on its own, but it would also support and initiate this work at colleges and universities, Federal Agencies, the Foreign Service Institute, and the National Defense University. It is our hope that the Academy will spearhead a truly national effort to expand the resources—in both financial and human terms—being directed at the study of peace.

Although establishing the U.S. Academy of Peace does not involve any weakening in our defensive posture or preparedness, it will serve to strengthen our national security capability by enhancing this nation's ability to reduce tensions and to settle international disputes before they erupt into violence. It will improve the training and education of those who make and implement U.S. foreign policy whether in Government, private enterprise, or voluntary associations. In doing this, it will provide a range of effective options—in addition to the military—to leash violence and manage conflict. Such a balanced approach to areas vital to America's interests, can only serve to increase this country's ability to influence the course of world events.

The Peace Academy will cost \$23,500,000 over two years. This is a small percentage of this country's budget and is one of the few Federal investments with the potential to return far more than the initial costs. If peace is our goal, then we must prepare and train and perform as well as the bargaining table as we have on the field. The Peace Academy is an inexpensive and cost-effective opportunity.

The Peace Academy, however, must not, and will not, become a mouthpiece of political ideologies. To ensure that the Academy performs its work in a nonpartisan and independent way, it will be governed by an independent Board of Directors composed of two Senators appointed by the president of the Senate (one from each party), two Representatives appointed by the Speaker (one from each party), eleven Presidential appointees who have proven practical or academic experience in peace and conflict resolution efforts of the U.S. (no more than six from any one party), and four ex officio members: the Secretaries of State and Defense, the Director of ACDA, and the Commandant of the National Defense University.

**THE U.S. ACADEMY OF PEACE
THE NEED FOR A PEACE ACADEMY**

Charge: The recent growth of private sector research and education in the field of conflict resolution makes a federally supported institution unnecessary.

Rebuttal: What is envisaged for the Peace Academy would be a national institution to tailor private sector research to the needs of the Federal Government, to enhance the negotiating and mediating capabilities of those who represent American interests abroad (whether in Government or private enterprise), and to develop a corporate memory of diplomacy. The absence of such an institution significantly inhibits America's potential effectiveness in negotiating treaties and settling international disputes.

The Congressional Commission on Proposals for the National Academy of Peace and Conflict Resolution issued its report in 1981 indicating that general interest in the conflict resolution (CR) field exceeded the actual level of understanding. While the field is well beyond the basic research stage, private sector programs lack the sufficient cohesiveness and focus to enable them to be relevant and useful to those who make and implement U.S. foreign policy.

Private sector educational programs in CR can accomplish only a small fraction of the work possible if the Federal Government bypasses opportunities to foster independent research and education or fails to incorporate such work when developing national security strategies. The Commission also found that existing CR programs are predominantly theoretical, and that those who work in conflict-prone situations need more practical education which they can readily apply. Finally, according to Senate and House staff who have either worked at ACDA itself or with ACDA legislatively, there is no federal or private program or facility working to archive and analyze the successes and failures of past diplomatic missions.

Three factors add urgency to this proposal for improving Federal involvement in the CR field: 1) the maintenance of international peace and national security depends on developing a range of options—in addition to the military—to manage conflict and leash violence, 2) the clear lack of effective policies in the Falkland Islands and Leba-

non to reduce tensions before resorting to military solutions, and 3) the growing public fear that international conflict can quickly and easily escalate into violence, military confrontation, and increased U.S. military involvement in regions vital to America's interest. If the peaceful resolution of international conflict is one of the biggest challenges this nation has ever faced, our response, our preparation, is abysmally small. In light of recent history, "business as usual" is not enough.

COSTS

Charge: In a time of severe budget stringencies it is difficult to justify the expenditure of Federal funds.

Rebuttal: The costs of a Peace Academy are a serious concern of the bill's proponents. In fact, Senator Jennings Randolph, one of the principal sponsors, in recognition of this concern and of the Administration's willingness to support an \$8 million funding level (contained in Senator Jeremiah Denton's substitute bill, S. 1466), has proposed in a letter to Majority Leader Howard Baker that the Peace Academy be funded at \$8 million over two years rather than at the current level of \$23.5 million.

This small investment for the Peace Academy boils down to roughly 2¢ for every American every year, compared to the \$1,100 for every American every year to prepare military solutions to international conflict. The Peace Academy has the potential to become the best paying investment in FY 1984. If the Peace Academy could contribute to the peaceful resolution of one small conflict in some future year—a conflict no larger than the Falklands incident which cost about \$6 billion total—it would save enough money to operate for 1,500 years.

It could also save businesses loss in revenue through lost trade due to interruptions or embargoes; it could aid in the control of international terrorism which has cost the U.S. millions of dollars in 1984 alone; and it could help lower tensions and risk of inadvertent war from misperception and miscalculation.

EFFECT ON U.S. NATIONAL SECURITY

Charge: The Peace Academy would divert our attention and our efforts from the need to insure our own security by finding real and effective ways to preserve peace in a troubled world.

Rebuttal: Supporters and detractors of the Peace Academy proposal agree that not all conflicts can be settled by peaceful means rather than through resort to force. The Peace Academy is no substitute for military preparedness and strength, and the Soviets, Third World countries, NATO, and our own citizens must not be given reason to perceive it as such.

On the contrary, Peace Academy proponents do not seek a diminished role for the military or any one-sided, untimely, or precipitous letting down for our defensive guard. S. 564 simply increases America's capability to settle conflicts before conditions deteriorate to such a point that military solutions become unavoidable.

The Academy will also improve the effectiveness of traditional diplomatic solutions by building a corporate memory for diplomacy's past successes and failures on which to base future diplomatic strategies, and through programs designed to enhance the CR skills of those involved in the foreign process.

Harold Saunders, former Undersecretary of State, submitted for the House hearing record a statement saying, "The United

States in the last two decades of this century needs to give at least as much attention to strengthening its peace-making arsenal as it needs to give to assuring its military power. If the United States is actively engaged in the pursuit of peace in dealing with the causes of conflict, the U.S. ability to influence the course of events in the world and its position in the world in relation to the Soviet Union is strengthened, provided we do not neglect continued development of our own military power. Peacemaking is an instrument of power. . . ."

THE EDUCATIONAL COMMUNITY

Charge: Educators oppose the Peace Academy proposal.

Rebuttal: Of the 37 academics who have testified concerning the Peace Academy, the overwhelming majority have favored it. In addition, nine professional educational organizations have supported the Peace Academy, including the National Education Association, the American Council on Education, and the American Federation of Teachers.

A sample of comments by educators directly involved with the fields of peace studies and CR:

Father Timothy Healy, President of Georgetown University, wrote to the principal sponsors: "I would like to commend you and the other members of the Senate who have proposed the establishment of an independent U.S. Academy of Peace, and to add Georgetown University's support to the fostering and enhancing of independent research and analysis in conjunction with colleges and universities. . . ."

Guthrie Birkhead, Dean of the Maxwell School of Citizenship and Public Affairs at Syracuse University, submitted testimony to the House saying, "Developing our knowledge and improving our skills in managing conflicts are matters too important to be impeded by parochial defenses of academic turf. The establishment of a Peace Academy will enhance our activities, not harm them."

Roger Fisher, Director of Harvard University's Negotiation Project, wrote in the Boston Herald American that "the needs of the United States go far beyond those for scholarly research and academic teaching. To teach the history of diplomacy is no substitute for professional training. What is taking place, however, falls far short of what is required. We need tough, professional training."

Only a handful of schools have expressed reservations, arguing that if the Academy granted degrees, it would unfairly compete with them for students and faculty, and that if it received private contributions, it would compete with them for grants and thus hinder their already underfunded programs.

The Senate Committee on Labor and Human Resources amended S. 564 to address these concerns. The principal sponsors deleted degree-granting language to indicate their intentions not to allow the federally chartered Peace Academy to compete with private sector educational programs. Also, Senator Orrin Hatch amended the bill so that at least one-fourth of the federal appropriations would be passed through to existing institutions, increasing their total federal financial support. Finally, Senator Mark Hatfield, principal sponsor and floor manager of the bill, offered to amend S. 564 to prohibit the Peace Academy from soliciting or receiving any private contributions.

THE PROPRIETY OF FEDERAL INVOLVEMENT

Charge: It is not advisable for the U.S. Government to begin providing education to

the general public even though it is limited to graduate-level education in peacemaking and CR.

Rebuttal: The most important priority of the Federal Government is to preserve our national security. Just as the U.S. does not defer to the private sector in the development, training and execution of military approaches to conflict resolution, it is not appropriate to defer to the private sector in the aggressive pursuit of non-military solutions to international disputes.

It is not true that the Federal Government would be breaking from precedent by establishing the Peace Academy. When the Government has deemed a subject necessary for it to function effectively, it has provided the institution and the funds to perform the needed work: the Department of Agriculture Graduate School, the Naval Post-Graduate School, the Air Force Institute of Technology, and the Maritime Institute of Technology and Graduate Studies, for example. The Federal Government is even involved in the study of international relations and giving university-level credit for the successful completion of course work at the Foreign Service Institute.

The Federal Government has also created specialized mid-career and post-graduate level educational programs such as the National Defense University, the Uniformed Services University of the Health Sciences, the FBI Academy, the National Academy of Corrections and the National Fire Academy.

The much-needed Federal impetus, and the unique educational role in the preparation of those who make and practice U.S. foreign policy intended for the Peace Academy, makes this opportunity a fitting and worthy investment on the part of the Federal Government. National security, after all, is the job of this and of every other Administration, and real security today rests firmly on the capability to resolve conflicts before they escalate to violence.

INTERNATIONAL IMPACT

Charge: It is difficult to see how such an Academy could be effective or perceived as impartial in the international arena when it would be funded by the U.S. Government, would be governed by a Board, including Presidential appointees confirmed by the Senate, and bear an official title.

Rebuttal: The Peace Academy is designed and intended to strengthen this country's CR capability by enhancing the education and skills of those making and practicing U.S. foreign policy abroad. The Peace Academy's effectiveness in achieving this modest goal is not dependent upon outside and foreign perceptions. The effectiveness of this "internal" work will depend wholly upon the Academy's Board of Directors.

To many nations, the U.S. Academy of Peace symbolizes that America is genuinely—and actively—working hard to lower international tensions, to peacefully settle international disputes, and to create the conditions for international peace. There are even indications that other countries will follow America's lead. Canadian Prime Minister Pierre Trudeau recently proposed to Parliament the creation of the Canadian Institute for International Peace and Security, a Government-financed independent corporation to perform and foster research and to disseminate information and ideas on international peace and security.

THE DENTON SUBSTITUTE, S. 1446 (NOT OFFERED)

PUBLIC CREDIBILITY

S. 1466: Senator Denton first proposed this bill in the Senate Committee on Labor and Human Resources on June 15, 1983 where it was defeated 10 to 8. There have been no hearings, no study, no consideration in the Senate Committee on Foreign Relations which has jurisdiction over the Arms Control and Disarmament Agency. The Denton substitute is cosponsored by seven Senators (Symms, Thurmond, Hatch, Cochran, Humphrey, Quayle, Hawkins) and no Members of the House.

S. 564: A Congressional Commission on Proposals for a National Academy of Peace and Conflict Resolution held hearings in 12 cities and submitted their report to the President in 1981. There have been one House and three Senate hearings on the topic of the Peace Academy, the Senate Labor and Human Resources Committee favorably reported the bill twice, and there are 55 Senate and 176 House cosponsors from both sides of the aisle and every point along the political spectrum.

CONTROL

S. 1466: This substitute authorizes the Director of ACDA to carry out the provisions of the bill and establishes an Advisory Board to consider what the Director has done and to advise him. In the words of the present Director, Mr. Adelman, "I would carry out the program as prescribed in the legislation, in keeping with the administration's program under the guidelines of the Office of Management and Budget."

S. 564: The Peace Academy will be an independent, nonprofit, national institution whose powers shall be invested in a Board of Directors composed of 2 Senators, 2 Representatives, 11 Presidential appointees, and 4 ex officio members: the Secretaries of Defense and State, the Director of ACDA, and the Commandant of the National Defense University. The President shall appoint the first Chairman of the Board, and thereafter the Board shall elect the Chairman.

INDEPENDENCE

S. 1466: The Director of ACDA is a political appointee and ACDA is charged with the preparation for negotiations by the Administration—this prevents exploring alternative strategies. Its public information service defends the Administration's policy and program, and is not capable of publishing alternatives to it.

S. 564: The Peace Academy's Board of Directors are appointed to staggered terms to prevent the Academy from becoming politicized.

COST

S. 1466: The Denton substitute bill authorizes the Director of ACDA to spend \$8 million over two years to carry out the bill's provisions, without specifying how that money must be used—the Director may keep all of it within ACDA or may give any percentage of it to existing institutions.

S. 564: The Peace Academy will cost \$8 million over two years, and Senator Hatch amended the bill in Committee requiring that the Board of Directors pass through to existing institutions at least one-fourth of its federal appropriation.

ACCOUNTABILITY

S. 1466: It will be very difficult for Congress to maintain oversight of just one more small program imbedded within a much larger bureaucracy: ACDA.

S. 564: The Peace Academy, as an independent corporation, will be much easier to oversee, to control and to zero fund (if in some future year the Academy proves not to be a useful Federal investment).

RELEVANCE

S. 1466: There is no provision in this substitute bill insuring that this new program at ACDA would be relevant or useful to Government.

S. 564: The Peace Academy bill was written specifically to address the findings of the Congressional Commission, and Senator Hatch amended the bill in Committee so that Federal employees at State, Defense, ACDA and the CIA could be assigned to the Academy on a rotating basis.

COMPTROLLER GENERAL OF THE UNITED STATES,

Washington, DC, January 4, 1984.

Hon. ORRIN G. HATCH,
Chairman, Committee on Labor and
Human Resources, U.S. Senate.

DEAR MR. CHAIRMAN: You requested our views on S. 1466, 98th Congress—a bill “to amend the Higher Education Act of 1965 to provide authorities for the Study of peace, arms control, and conflict resolution, and for other purposes.” The bill authorizes the Director of the Arms Control and Disarmament Agency (ACDA) to perform such actions related to the study areas as making grants; paying stipends; conducting research, training, conferences, and symposia; establishing a clearinghouse for disseminating information; and publishing an annual report. The bill does not specifically direct any particular level of activity under any of its various authorities, but some level of effort is clearly implied in the bill’s purpose. ACDA would thus need to apply some of its resources in carrying out the bill’s provisions. For example, making grants to, or entering into contracts with, institutions of higher education would require additional administrative effort by ACDA. We believe that parts of this bill would (1) place added responsibility upon ACDA which may be beyond its present capabilities, and (2) duplicate existing statutory authority.

On the first point, we recently issued the following series of reports as part of the work we did at the request of the Chairman and Ranking Minority Member of the House Foreign Affairs Subcommittee on International Security and Scientific Affairs.

Need to Improve Management of ACDA’s Automatic Data Processing and Operations Analysis Functions (GAO/NSIAD-83-66).

ACDA’s Coordination of Federal Arms Control Research and Management of its External Research Program Still Need Improvement (GAO/NSIAD-83-67).

Need for Internal Control Improvements at ACDA, Including Adequate Internal Audit Coverage (GAO/NSIAD-83-68).

These reports, as well as our testimony before the Subcommittee in March 1983, highlight our concerns about ACDA. These concerns, in part, relate to ACDA’s resource (budget/staffing) levels. For example, the levels have fluctuated over time and, in recent years, have been declining without related reductions in ACDA’s legislated responsibilities. Each report indicates that ACDA resource levels affected ACDA’s capabilities to carry out its current responsibilities. For example, ACDA’s noncompliance with some of its arms control research coordination responsibilities was attributed by ACDA officials to insufficient resources. Also, obtaining the adequate internal audit

coverage it needs but has not had, will increase ACDA’s costs.

Correcting these as well as other problems discussed in our recent reports would require additional resources for ACDA. It is not known whether the administration’s recently announced authorization request increase of about \$2 million and 25 staff positions will be sufficient to enable ACDA to adequately administer its current programs and activities as well as to effectively discharge significant additional duties. If it appears that ACDA could not adequately perform all its required activities as well as significant additional responsibilities, the Congress may need to give specific direction to the agency for assigning its priorities and allocating its resources.

Regarding the second point, Section 632 of the Higher Education Act of 1965, which would be added by S. 1466, would authorize the Director, ACDA, to make grants to, and enter into contracts with, institutions of higher education to establish, strengthen, and operate, graduate and undergraduate centers, schools, and programs, for the provision of academic and professional training and research in areas of international affairs, including foreign languages. This authority could be duplicative of 20 U.S.C. § 1122(a)(1) which authorizes the Secretary of Education to make grants for the teaching of foreign languages and international studies. Also, the Department of State is already responsible for research in the international affairs area.

The Committee should be aware of this possible duplication of functions so that, if it believes necessary, it can add language to the bill to require coordination between ACDA and other appropriate agencies, or to eliminate or otherwise redirect the bill’s duplicative provisions. In the absence of adequate coordination, duplication of authority could result in inefficient use of resources. The desirability of such duplication should be considered in light of the additional efforts required by ACDA to administer international research and foreign language training programs and to coordinate such efforts with other agencies already responsible for similar activities.

Additionally, Section 643(a)(2) would authorize the Director, ACDA, “to conduct research . . . into the causes of war . . . and the elements of peace . . . and into the experiences of nations in ending conflicts and resolving disputes without violence.” This proposed authority at least partially overlaps the Director’s existing authority under Section 31 of the Arms Control and Disarmament Act of 1961, as amended (22 U.S.C. § 2571), to (1) ensure the conduct of research, development, and other studies in the field of arms control and disarmament, and (2) make arrangements, including contracts, agreements, and grants, for the conduct of research, development, and other studies in the field of arms control and disarmament by private or public institutions or persons. Activities included under the existing authority relate to the prevention of war and to problems which the Director, ACDA, determines need research, development, or study in order for ACDA to carry out arms control and disarmament activities. Since ACDA already has sufficient authority in this area under its broader research charter, the Committee may wish to eliminate the duplication contained in the subject bill and consider alternative ways of focusing the agency’s attention on the desirability of supporting research in these specific areas, such as amending the existing authority to specify such research.

My staff is available to discuss these matters with you in further detail should you desire.

Sincerely yours,

CHARLES A. BOWSER,
Comptroller General of the United States.

SAMPLE OF FEDERAL EDUCATIONAL AND RESEARCH INSTITUTIONS

DEPARTMENT OF DEFENSE, THE NATIONAL
DEFENSE UNIVERSITY, 1983-84

Divisions of the University: Industrial College of the Armed Forces, National War College, Armed Forces Staff College, Strategic Concepts Development Center, War Gaming and Simulation Center, Department of Defense Computer Institute, Institute of Higher Defense Studies.

Curriculum

International Security Environment considers the institutions and instruments available to achieve national objectives, alleviate tensions, reduce or eliminate sources of conflict, prevent war, and refine judgments about uses of military power.

Terrorism and Counterterrorism is a political-military simulation focusing on decisions involved in developing a strategy and for using the instruments of statecraft in countering and resolving a terrorist incident with international implications.

Strategic Nuclear Conflict Management is a conflict management political-military simulation designed to explore the implications of escalation in conflict; the problems and uncertainties escalation poses for decision makers; and the difficulties inherent in deescalation and war termination.

Diplomacy of Influence: the Management of Perceptions examines the psychological dimension of the instruments of statecraft and the importance of the management of perceptions to the conduct of foreign relations and the use of military power.

Negotiating Principles and Practices examines the principles, practices, and applications of different negotiating styles with emphasis on the differences between Soviet and U.S. approaches; and the role of negotiations in diplomacy and developing national security policy.

Why Human Warfare—the Causes of War aims at developing an understanding of the various approaches to the problem of human conflict, to become familiar with the latest research into the causes of war, and to develop an understanding of how the causes of war might affect crisis management in international affairs and strategic thinking.

Patterns of American Diplomacy: U.S. Security Commitments

Patterns of American Diplomacy: Decisions for War

DEPARTMENT OF STATE, THE FOREIGN SERVICE
INSTITUTE, 1984-85

Center for the Study of Foreign Affairs: coordinates all research done under FSI auspices to assure maximum relevance to the needs and interests of the Department of State. The Center serves to bring together academics, leading private citizens, and U.S. government practitioners, and FSI students in order to address issues that are of current concern to the foreign affairs community.

School of Professional Studies and Academic Affairs: it has a division on “Function Training” which includes a segment on negotiation training.

Administrative Training Coping with Violence Abroad is a seminar on terrorism (1 day seminar)

Executive development

National Security and Arms Control on how arms control fits into the broader spectrum of national security issues; the forces and capabilities which constitute the coin of trade-offs; the military, political, and security issues which affect negotiations; and the structure of the arms control community and how it arrives at decisions. (1 week)

Negotiation Art and Skills is designed to give the participant an in-depth opportunity to increase their proficiency in the techniques of negotiation. Using both bilateral and multilateral models, participants engage actively in simulation exercises in which they reinforce their knowledge of negotiating skills. (1 week offered twice a year)

Methods of Analysis in Foreign Policy provides a conceptual framework for the process of political analysis and the relationship of analysis to policy formulation and decision-making. (3½ weeks)

DEPARTMENT OF AGRICULTURE, THE GRADUATE SCHOOL, 1982-84

The Graduate School does not grant degrees and has never sought that authority nor accreditation. It prefers to offer a dynamic continuing education program for working adults. Courses offering credit are of standard graduate and undergraduate quality and are taught by competent and experienced instructors.

The U.S. Office of Personnel Management accepts the credits of the Graduate School, for examination and qualification purposes, on the same basis as those from accredited colleges and universities.

Subject Areas include: Accounting, Agriculture, Art, Building, Chemistry, Computer Sciences, Czech, Dance, Environmental Studies, Greek, Horticulture, Law, Library Technician Program, Marketing, Music, Personal Enrichment, and many other areas.

Some of the more unusual courses in this Government Graduate School cover such topics as: Beginning Quilting, COBOL Programming I, College English Preparation, Writing for Fun, Pre-College Algebra I, Homesteading for Self-Sufficient Living, Typewriting I, Spelling Improvement, Fundamentals of Written Communication, The Management of Conflict, Basic Electricity, Hydraulics I.

DEPARTMENT OF DEFENSE, A MEDICAL SCHOOL AT NIH

The Defense Department spent about \$30 million on its own medical school to train some 500 students at NIH not only in general medicine but also in "military medicine."

Does not the United States have the finest network of private sector medical schools in the world?

DEPARTMENT OF DEFENSE, THE NAVAL POSTGRADUATE SCHOOL, 1984

The Naval Postgraduate School is a naval institution of higher learning dedicated to the advanced education of commissioned officers. It is in effect, a "naval university." Since 1946, the School has awarded over 6,000 bachelor's degrees and more than 11,000 graduate degrees.

"Currently, the Naval Postgraduate School occupies an attractive and well-appointed campus, graduates approximately 600 students per year and offers a range of curricular programs specifically tailored to impart the scientific, engineering, operational and administrative knowledge re-

quired to meet the present and projected needs of the Department of Defense.

"The site of the School is the former Del Monte Hotel of the pre World War II days. The beautifully landscaped campus contains most of the academic and administration buildings within the main grounds. There is an adjacent beach area for research and a nearby laboratory and recreational area. The total campus covers approximately 600 acres.

"Recreational facilities include a swimming pool, an 18-hole golf course, tennis and badminton courts, basketball and volleyball courts, a softball diamond, picnic grounds, bowling lanes, driving range, archery range, and gymnasium."

"The Superintendent is authorized to confer Bachelor's, Master's, Engineer's or Doctor's degrees upon qualified graduates of the School."

The curriculum includes: Administrative Science, Aeronautical Engineering, Air-Ocean Science, Computer Science, Meteorology, National Security Affairs, Nuclear physics, Oceanography, Space Systems Engineering, Underwater Acoustics.

The National Security Affairs/Intelligence Programs (The Area Specialty Curricula focuses on the following areas: Middle East, Africa, South Asia, Far East, Southeast Asia, Pacific, Europe, and USSR, and has eleven educational objectives: analytical and research skills, culture and religion, current issues, economics, geography, geopolitics, historical development, language, military forces, politics, and strategic posture.)

Functional Specialty Curricula: International Organizations and Negotiations includes an overview of the history of international negotiations since 1945, and a history of arms control negotiations since 1920, with emphasis on the post 1960 period, and international aspects of international negotiations. The second part of the course is an analysis of international negotiations, with emphasis on applying theories of negotiation to such issues as conflict resolution and arms control.

Strategic Planning: Strategies for National Security includes a section on crisis management procedures.

DEPARTMENT OF DEFENSE, THE AIR FORCE INSTITUTE OF TECHNOLOGY, 1982-84

"A fundamental ingredient to the success of most endeavors is educated leadership. Because the Air Force is in the forefront of the use of science and high technology to fulfill its part of the national security mission, we continue to have a demand for well-educated—both professionally and academically—people. The Air Force provides this through the Air University.

"Other components of the Air University are the Air War College, the Air Command and Staff College, the Squadron Officer School, the Academic Instructor and Foreign Officer School, the Air Force Reserve Officer Training Corps, the Extension Course Institute, the Leadership and Management Development Center, the USAF Senior Noncommissioned Officer Academy, the Air University Library, HQ CAP-USAF and the Air Force Logistics Management Center.

"As part of the Air University, the Air Force Institute of Technology (AFIT) is assigned the graduate and professional continuing education mission of the Air Force. The Institute performs two closely related services: degree-level education and professional continuing education, and specialized training. University-level work is designed to give carefully selected officers and Air Force

civilians the broad educational background that will equip them both to understand their technological and cultural environment and to analyze and attempt to solve its problems."

A sample of the Graduate Programs leading to the M.S. degree: Aeronautical Engineering, Applied Mathematics, Astronautical Engineering, Computer Systems, Electrical Engineering, Nuclear Engineering, Logistics management.

Other Graduate Programs include courses in the Humanities, and the Physical and Social Sciences. Also, there are separate Schools of Engineering, Systems and Logistics, Civil Engineering, and Civilian Institution Programs.

DEPARTMENT OF JUSTICE: THE FBI NATIONAL POLICE ACADEMY

In 1935 when the FBI was organized into its current form, the FBI National Police Academy was established—besides the Training School for Newly Appointed Agents, the Retraining School, and other schools specifically for FBI personnel—as a training school for law enforcement officers from across the country. Approximately 200 officers per year attended 12 week courses to prepare experienced officers for administrative and instructional duties in their home agencies.

In 1965, Congress appointed \$15 million to expand the Academy, and intensified use of the Academy was planned under the Omnibus Crime Control and Safe Street Act. Congress also authorized funds to expand training throughout the nation, and new facilities were built in Quantico, VA. FBI agents train at the Academy for fourteen weeks when they are newly appointed and return for refresher courses and special programs. The Academy teaches such things as processing fingerprints, investigative methods, arrest techniques, and defensive tactics.

FEDERAL EMERGENCY MANAGEMENT AGENCY: THE NATIONAL FIRE ACADEMY

"The National Fire Prevention and Control Act of 1974 (Public Law 93-498) established the National Fire Academy to advance the professional development of the fire service and other professions engaged in fire prevention and control.

"Since 1977, the Academy has been offering programs in fire science technology, management and planning, and educational methods. Courses have been delivered to nearly 5,000 fire service officers, firefighters, instructors, planners, professionals in related trades, and federal and state fire officials in more than 100 locations around the country.

"In 1979, a new 'cluster' concept in field programs was introduced. The cluster program is a grouping of 14-17 available courses offered over a two-week period in accessible, metropolitan locations. One distinct feature of the outreach program . . . is its mandate to address local needs and to coordinate and make available courses desired by particular areas. This facet of the outreach is designed to support existing training efforts at the State and local levels. . . .

"The 110 acre campus has 39 fully equipped classrooms and can accommodate up to 1,000 students. The Emmitsburg (MD) facility also contains a modern student center with a pub, a water-side log cabin and boat house, tennis courts, gymnasium, and indoor pool for on-campus recreation."

A SAMPLE OF LEADING FOUNDATIONS WORKING IN THE AREA OF PEACE AND CONFLICT RESOLUTION

The Carnegie Endowment for International Peace was established in 1910, and charged by Mr. Carnegie to use the fund to "hasten the abolition of international war, the foulest blot upon our civilization."

The Endowment was initially organized into three divisions: one to aid in the development of international law and dispute settlement, another to study the causes and impact of war, and a third to promote international understanding and cooperation.

Staff and Projects: Jonathan Dean in the area of arms control in Europe covers the East-West relations . . . arms control negotiations affecting Europe . . . security aspects of US-Western European relationship.

Larry Fabian on the Middle East includes a section on the US policy toward Arab-Israeli peace negotiations. . . .

Books in Print: "Negotiating Security: An Arms Control Reader."

The Carnegie Corporation recently developed a news release detailing four areas in which it intends to invest this year for the over-riding purpose of strengthening the capacity to avoid nuclear war: 1) to develop new ideas and understanding pertinent to decreasing the chance of nuclear war, and to relate this development closely to the policymaking, policy-advising community; 2) to take the results of this work and support serious educational efforts to build a broad nonpartisan interest in them; 3) to explore what the behavioral sciences have to offer in near-term applied advice about negotiations, decision making, and conflict resolution, and in long-term understanding of human conflicts and its resolution; and 4) to work for long-term changes in the relationship between the United States and the Soviet Union, including some improvement of our negotiating capability and some support for experimentation with new forms of communication.

On December 18, 1983, Kathleen Teltsch wrote in The New York Times that "Carnegie's Board recently agreed to devote \$5 million to \$7 million annually for the new activities, which Dr. Hamburg said was the largest commitment by any foundation for work on the avoidance of nuclear war. The 'flagship' grant, as Dr. Hamburg calls it, is being used to bring together a 'novel mix' of scientists, experts in nuclear weaponry, specialists in Soviet studies and dispute settlement. The group would also include individuals who have served in Government or may serve in a future administration. The Foundation expects to establish similar groups at a number of other universities."

The Ford Foundation, according to the New York office of International Relations, spends about \$3 million per year in the areas of international peace, national security, and arms control. That is, the focus of their financial support has been directed to "negative peace" (reduction of conflict and the avoidance of war) more than to "positive peace" (conditions of a peaceful universe—economic development, minority education, etc., which they pursue through other grant-making programs).

The Ford Foundation Letter has occasionally detailed the programs in the areas of dispute settlement and international peace that they support. These are some of the more relevant projects which the Ford Foundation has funded:

The Office of Environmental Mediation at the University of Washington received a two-year grant of \$350,000 enabling it to

continue to mediate the growing number of disputes, conduct workshops and training programs for negotiators, and to carry out research on the mediation process.

The New England Natural Resources Center received a \$61,500 grant for work leading to the establishment of an environmental mediation service for Northeastern states.

The International Peace Academy has devoted most of its work to improving the expertise of civilians and military officials whose countries contribute to peace-keeping operations. The IPA recently established a permanent Negotiation/Mediation Project to design techniques for ending international conflicts before there is a need for peace-keeping operations. The Foundation contributed \$143,849 to hire three research associates from Africa to work the project for the next three years, and to prepare a "Handbook for Multilateral Negotiators."

The National Institute for Dispute Resolution will fund various initiatives in dispute resolution, provide technical assistance to public and private groups, sponsor research, and generally serve as a source of information. The Ford Foundation has provided an initial grant of \$50,000 to help the institute get started.

According to the bi-monthly Letter, the Ford Foundation spends from about \$300,000 to over a million dollars every two months in the field of international affairs. And it has reported that "over the past decade the Foundation has granted more than \$8 million for experiments aimed at resolving a range of disputes through third-party mediation rather than through litigation."

The Baltimore Sun reported on March 5, 1984, that the Ford Foundation awarded \$3.7 million to 16 universities and research institutions to seek "fresh approaches" to the study of international peace and security. Studies they are funding include the ethical questions of nuclear deterrence, the psychological bases of Soviet-U.S. relations and strains in the NATO and Warsaw Pact alliances, the Soviet-American conflict, security in South Asia, the defense budget, Soviet and U.S. naval strategies, the future of U.N. peacekeeping operations, etc. And these grants have gone to range of institutions, including the University of Maryland, Columbia University, Brookings, MIT, the Rand Corp., the French Institute of International Relations, the University of Southampton, England, the Norwegian Institute of International Affairs, the Research Institute on Peace and Security in Tokyo, and the Stiftung Wissenschaft und Politik of West Germany.

Two purposes of these grants include: "analysts were asked to develop fresh approaches that would engage scholars from a wide range of disciplines" and they were urged to "foster public consideration of security and arms control issues."

The Hewlett Foundation awarded a three-year grant totaling \$500,000 to the Harvard Program on Negotiation. According to Lawrence Susskind, Executive Director of the Program, "The grant from the Hewlett Foundation . . . will enable us to implement an ambitious series of teaching, research, and practice-related activities aimed at helping individuals, communities, corporations, and countries deal with their differences more effectively."

"The Rockefeller Foundation considers peaceful relations among nations a vital corollary to the objectives of its grantmaking efforts. It provides funding to strengthen

the contribution of independent research and policy analysis to the articulation of the long-range interests facing governments in international security and economic cooperations."

One of the goals the Foundation has set for itself is, "within the United States, to strengthen the contribution of nongovernmental international relations research to U.S. foreign policy." And one of the issues which the Foundation considers to warrant sustained attention is, "how might threats to peace arising from the intersection of local tensions and the competition for security or influence between the United States and the Soviet Union, be reduced?"

On November 14, 1983, Kathleen Teltsch wrote in The New York Times that the Rockefeller Foundation would be taking a "one world" perspective on issues and will be focusing on issues such as resources and global "security," including arms control and international relations. Mr. William M. Dietel, president of the fund, estimated that about \$6 million a year would go to projects concerned with security or resources.

LAW SCHOOLS WITH COURSES IN DISPUTE RESOLUTION

The American Bar Association Special Committee on Alternative Means of Dispute Resolution published a 1983 Directory of Law schools which lists the programs in negotiation, arbitration, and university or community-based services.

Mr. Ronald Olson, Chairperson of the Special Committee, writes in the introduction: "The courts, certainly, are overburdened. With rising court costs and delay, increased bureaucracy and decreased access to the system, many groups and individuals have sought out more equitable, prompt, and accessible alternatives to formal litigation. It was for this reason that the American Bar Association first brought the Special Committee on Resolution of Minor Disputes into being. After five years of operation, recognizing the increase of activity in alternative means of dispute resolution (mediation, conciliation, arbitration) the Board of Governors extended the responsibilities of the Special Committee and renamed it: the Special Committee on Alternative Dispute Resolution."

The following is a list of the law schools having programs in negotiation:

- The University of Akron, School of Law, Akron, OH.
- Baylor University, Law School, Waco, TX.
- Brigham Young University, School of Law, Provo, UT.
- Brooklyn University, Law School, Brooklyn, NY.
- University of Calif., at Davis, School of Law, Davis, CA.
- Capital University, College of Law, Columbus, OH.
- Chicago Kent, College of Law, Chicago, IL.
- University of Colorado, Boulder School of Law, Boulder, CO.
- Cornell University, Law School, Ithaca, NY.
- Duke University, School of Law, Durham, NC.
- Emory University, School of Law, Atlanta, GA.
- University of Florida, College of Law, Gainesville, FL.
- George Mason University, National Law Center, Washington, DC.
- Harvard University, School of Law, Cambridge, MA.

Indiana University, School of Law, Indianapolis, IN.
 University of Iowa, Iowa College, Iowa City, IA.
 John Marshall, School of Law, Chicago, IL.
 University of Kentucky, College of Law, Lexington, KY.
 Louisiana State University, College of Law, Baton Rouge, LA.
 Loyola University, School of Law, Los Angeles, CA.
 University of Maine, School of Law, Portland, ME.
 University of Michigan, School of Law, Ann Arbor, MI.
 University of Minnesota, Law School, Minneapolis, MN.
 Missouri-Columbia, School of Law, Columbia, MO.
 University of Nebraska, at Lincoln, College of Law, Lincoln, NE.
 New England University, School of Law, Boston, MA.
 Northeastern University, School of Law, Boston, MA.
 University of Oklahoma, Law Center, Norman, OK.
 Ohio State University, School of Law, Columbus, OH.
 University of Pacific, McGeorge School of Law, Sacramento, CA.
 Pepperdine University, School of Law, Malibu, CA.
 Rutgers University, Law School-Newark, Newark, NJ.
 Saint Louis University, School of Law, St. Louis, MO.
 State University of New York at Buffalo, School of Law, Buffalo, NY.
 Suffolk University, School of Law, Arlington, MA.
 University of Texas, School of Law, Austin, TX.
 Texas Tech University, School of Law, Tulsa, OK.
 Valparaiso University, School of Law, Valparaiso, IN.
 Vermont Law School, Environmental Law Center, South Royalton, VT.
 Washburn University, School of Law, Topeka, KS.
 University of Washington, School of Law, Seattle, WA.
 Washington and Lee, School of Law, Lexington, VA.
 University of Wisconsin-Madison, School of Law, Madison, WI.

ORGANIZATIONS AND STATES SUPPORTING THE
 PEACE ACADEMY CONCEPT
 ASSOCIATIONS

American Arbitration Association; American Association for the Advancement of Science; American Association of Retired Persons; American Association of University Women; American Psychological Association; American Sociological Association; Association of Catholic Colleges/Universities; Consortium of Social Science Associations; International Studies Association; National Education Association; United Nations Association; United States Student Association; YMCA of the USA; YWCA of the USA, National Board.

ORGANIZATIONS

AFL-CIO; American Council on Education; American Federation of Teachers; American Veterans Committee; Center for Peace Studies, University of Akron, Ohio; Dwight D. Eisenhower Society; Executive Committee of Consortium of Peace Research, Education and Development; Feder-

ation of American Scientists; Fellowship of Reconciliation; International Longshoremen's and Warehousemen's Union; International Peace Research Institute; National Committee of Retired Peace Corps Volunteers; National Convergence of Justice and Peace Centers; National Council of LaRaza; National Women's Political Caucus; SANE; Society for the Psychological Study of Social Issues; Women's Equity Action League; Women's International League for Peace and Freedom; World Federalists Association; World Peace Tax Fund; World Without War Council.

THE RELIGIOUS COMMUNITY

American Baptist Churches; American Friends Service Committee; Board of Church and Society, United Methodist Church; Central Conference of American Rabbis; Church of the Brethren; Friends United Meeting; House of Bishops of the Episcopal Church; International Council of B'nai Brith; Mennonite Central Committee, Peace Section; National Conference of Catholic Bishops; Unitarian Universalist Association; United Church of Christ; United Presbyterian Church U.S.A.; United States Catholic Conference.

STATE LEGISLATURES SUPPORTING A U.S.

ACADEMY OF PEACE

California State Legislature; Hawaii State Legislature; Illinois State House of Representatives; Michigan State Legislature; Nebraska State Legislature; New York State Assembly; North Dakota State Legislature; Oregon State Legislature; Washington State House of Representatives; Wisconsin State Assembly; Massachusetts State Senate; Minnesota State Legislature; Rhode Island State Senate; Iowa State Legislature.

[From the Washington Post, Oct. 5, 1983]
 PEACE ACADEMY'S TIME HAS COME, BUT NOT
 MONEY

(By Jack Anderson)

It's easy to get billions of dollars from Congress to wage war or prepare for it. But it is almost impossible to squeeze a few pennies out for peace.

For 28 years in the House and Senate, Democratic Sen. Jennings Randolph, a gentle soul from Elkins, W.Va., has been trying to establish a Peace Academy. It would train young Americans to promote peace, just as the three military academies prepare young Americans to fight when war breaks out.

It's an idea whose time has come from sheer necessity. War has become unthinkable in the nuclear age, but it may become inevitable unless we have the kind of skilled negotiators who can protect national interest without resort to military force.

An envisioned by Randolph and co-sponsor Sen. Spark M. Matsunaga (D-Hawaii), one-fourth of the Peace Academy's budget would go for grants to universities and other institutions for historical research on successful and unsuccessful peace negotiations of the past. This information would be gathered in a central clearing-house. There is no such facility available now.

For example, anyone examining President Jimmy Carter's successful 1978 negotiations of the Camp David accords between Israel and Egypt must dig through the National Archives and the participants' memoirs. The Arms Control and Disarmament Agency, which might be expected to keep such background information, has none.

The Peace Academy's budget would be modest indeed by government standards: \$7.5 million for the academy's site, a \$6 mil-

lion operating budget for fiscal 1984 and a \$10 million budget for 1985. The Pentagon spends more than this on a tank or airplane that often doesn't even work.

Critics of the Peace Academy proposal offered my associate Kathy McDonald some strangely contradictory arguments.

They complain that establishment of such an academy would be viewed by the Soviet Union and other nations as a sign of pacifist weakness. They also argue that foreign governments would cynically regard the academy as nothing more than a front for the CIA. Yet they also insist that the CIA be involved in the academy by law, or at least be permitted to be involved.

Meanwhile, the idea has acquired some dedicated supporters. They argue that a Peace Academy would show a dubious world that the United States is serious about resolving international conflicts without resort to military might.

"Peacemaking is an instrument of power," former assistant secretary of state Harold Saunders told Congress, "because . . . it puts the United States on the side of the highest aspirations of mankind, and not just the pursuit of its own self-interest."

The White House, citing "severe budgetary constraints," has refused its support. Yet the Randolph-Matsunaga legislation has 53 co-sponsors in the Senate and more than 100 in the House.

Boondoggle of the Week—Never underestimate the power of a comic strip "Ripley's Believe It or Not" had noted the loss a company could expect from employee theft. So the Right Away Foods Corp. of Texas negotiated \$412,000 for theft loss in a Pentagon contract to assemble combat-ration packages, even though its actual loss was only \$58,000. The difference was a whopping over-estimate of \$354,000.

The boondoggle didn't stop there. Overruns on the \$28 million contract totaled more than \$3.5 million. To make matters worse, the Pentagon could have bought the same amount of battle rations from another company for \$10 million less. Rep. Jack Brooks (D-Tex.) has asked Defense Secretary Caspar W. Weinberger for an explanation.

AMERICAN FEDERATION OF LABOR
 AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, October 31, 1983.

Hon. HOWARD BAKER,
 U.S. Senate,
 Washington, DC.

DEAR SENATOR BAKER: I write to let you know of the AFL-CIO's support of S. 564, the United States Academy of Peace Act. The Federation hopes—along with a large and growing number of organizations and individuals around the country—that the Senate will act as soon as possible to pass this historic piece of legislation.

Our support for S. 564 grows out of the Federation's long-standing commitment to promoting the cause of peace among nations. We are especially interested in the Peace Academy because of Labor's lengthy history of participation in the development of negotiation techniques and other procedures for resolving conflict which many authorities believe may have relevance to the challenges we face in the field of international relations.

The Peace Academy, it seems to us, presents an opportunity for the U.S. to reaffirm its historic dedication to the cause of world peace, and to take an important and practical step forward based on our determi-

nation to bend every effort in the search for that peace. As an institution dedicated to research, education, and information services in the ways and means of peace, the Academy would carry out programs both on its own and in close cooperation with other institutions around the country. As such, the Academy would occupy a place at the forefront of a national effort to accelerate the dedication of resources—both human and financial—to this, the most pressing issue facing mankind.

Our times demand the kind of creative response to the questions of war and peace that the Peace Academy proposal provides. In fact, never has there been a time when we have needed to be more earnest in—and inject more urgency into—our efforts to achieve lasting peace.

Thank you for your time and attention in this matter.

Sincerely,

RAY DENISON,

Director, Department of Legislation.

GEORGETOWN UNIVERSITY,

Washington, DC, October 17, 1983.

HON. JENNINGS RANDOLPH,
U.S. Senate,
Washington, DC.

DEAR SENATOR RANDOLPH: Thank you for your letter concerning the establishment of a national independent U.S. Academy of Peace. This Academy would serve as a non-profit corporation providing endowment and operational services to enhance current research and education efforts in the fields of diplomacy, international affairs, peace studies and approaches to conflict resolution. We here at Georgetown University with our long tradition of concentration on international studies and diplomacy have followed your work in support of such a Peace Academy with deep interest.

We have watched the development of S564 closely and have warmly welcomed changes made during the recent mark-up which recognize the irreplaceable and essential contribution to be made by colleges and universities. The solution of international conflict requires a deep knowledge of other societies—their languages, cultures, histories, governments and economies—and an appreciation of how these social factors work together to promote a context conducive to peace and conflict resolution. We strongly support the Committee's commitment to these colleges and universities. It would be helpful to include a clarifying statement on the floor which would apply the established record of the recipient institutions in providing professional training in international affairs, diplomacy and intercultural studies as the primary criterion in awarding grants and contracts under this authority.

The credibility of the Academy will depend directly upon the integrity and independence of the research and publications produced by the Academy, its grantees and contractees. This credibility will be enhanced by the Academy's strong ties to universities and colleges where free and independent research and analysis are most able to flourish. The role of eminent academicians on the Board of Directors, especially those from universities with experience in programs of international studies and diplomacy, is vital to the credibility and the effectiveness of the Academy.

As President of Georgetown University, I would like to commend you and the other members of the Senate who have proposed the establishment of an independent U.S.

Academy of Peace, and to add Georgetown University's support to the fostering and enhancing of independent research and analysis in conjunction with colleges and universities that have a tradition of experience in this field.

Sincerely,

TIMOTHY S. HEALY, S.J.

AMERICAN COUNCIL ON EDUCATION,

Washington, DC, May 11, 1983.

HON. ORRIN G. HATCH,
Chairman, Committee on Labor and
Human Resources, U.S. Senate, Wash-
ington, DC.

DEAR MR. CHAIRMAN: On behalf of the associations listed below, I offer the following comments in support of S. 564, the bill to establish the United States Academy of Peace. With certain minor adjustments, we believe that the proposed Academy could constitute a genuine national resource and serve as a focal point to advance this nation's commitment to peace.

The adjustments we seek are designed to deal with the concern that the establishment of the Academy as a degree-granting entity could serve to weaken the extensive programs related to peace and conflict resolution already being conducted in institutions of higher education. To encourage contact and collaboration between the Academy and U.S. colleges and universities, and to build on the broad research base that currently exists, we offer two suggestions:

(1) On page 8, Sec. 5(b)(6), we recommend adding the words "and support" after the word "provide", adding the word "undergraduate," after the word "at", inserting a period after the word "levels", and striking the remainder of the sentence. This would clarify that the Academy would complement, rather than compete with existing programs. For consistency, the word "schools" should be struck where it appears on page 5, lines 14 and 17, on page 7, line 12, and on page 10, line 23.

(2) We recommend inclusion of a new paragraph in the Declaration of Findings and Purposes to acknowledge the diversity and strengths of U.S. higher education institutions in teaching and research related to peace, international relations, and conflict resolution. This could be added as Sec. 2 (a)(5) with existing paragraphs 5-9 renumbered accordingly.

With these modifications, which are designed to ensure a closer relationship between the Academy and the higher education community, we urge your approval of S. 564.

This letter is sent on behalf of:
American Association of State Colleges
and Universities.

American Council on Education.
Association of Catholic Colleges and Universities.

Association of Urban Universities.
Council of Independent Colleges.
National Association of Independent Colleges and Universities.

National Association of Schools and Colleges of the United Methodist Church.

Sincerely,

CHARLES B. SAUNDERS, Jr.,
Vice President for
Governmental Relations.

THE CENTER FOR STRATEGIC
AND INTERNATIONAL STUDIES,
Washington, DC, May 12, 1982.

HON. ORRIN G. HATCH,
Chairman, Committee on Labor and
Human Resources, U.S. Senate, Wash-
ington, DC.

DEAR SENATOR HATCH: On the occasion of the Executive Session of the Labor and Human Resources Committee for the markup of S. 1889, I am writing to support the establishment of the United States Academy of Peace.

For some time now I have been familiar with and supportive of the national peace academy idea. I commend the work of the Commission on Proposals for the National Academy of Peace and Conflict Resolution, its excellent report entitled "To Establish the United States Academy of Peace," and the legislative proposal given as the report's Appendix A, which is substantially represented by S. 1889. The Academy idea is now mature and well explained.

I am concerned about opposition to S. 1889 represented by suggestions that the schools of international affairs are doing or are even able to do the job. These schools are an important element in developing the peacemaking capacities of the nation, but they hardly replace the potential of the Academy of Peace. Not only are they limited in the number of people they reach, but they have not been successful in producing and sustaining top quality comprehensive research on peace matters.

The Academy should be a tremendous boon to education and training in international affairs. I look forward to my own Center's collaboration with the Academy. There is too much isolation in this critical area. The Academy can help break the logjam, create the critical mass of scholarship, educators, and trained personnel, and be the catalyst to move the United States to the forefront of peace efforts in the world.

Sincerely yours,

DAVID M. ABSHIRE, Chairman.

CHRISTIAN CHURCH (DISCIPLES
OF CHRIST) IN WEST VIRGINIA,
Parkersburg, WV., May 22, 1984.

HON. JENNINGS RANDOLPH,
U.S. Senator,
Washington, DC.

DEAR SENATOR RANDOLPH: Enclosed is a copy of a resolution passed by the 108th West Virginia Regional Assembly of our denomination held in Princeton, WV., April 26-28, 1984.

It calls upon your support of bills S564 and HR1249 pertaining to the establishment of a National Peace Academy.

There were about 261 voting delegates from among our more than 9,000 members in West Virginia from all parts of the State.

Having voiced our support of a National Peace Academy we look forward to your support.

Most sincerely,

CHARLES E. CRANK, Jr.

RESOLUTION CONCERNING THE NATIONAL
PEACE ACADEMY

Whereas when human beings live together differences of opinion arise which may lead to conflict; and,

Whereas these conflicts when they occur between nations often lead to fighting and often to war; and,

Whereas there are many international and national wars going on around the world; and,

Whereas people living in a state of war often suffer a diminished vision as to alternative solutions to the battles and to bringing peace; and,

Whereas we have experienced the futility and cost of war and armed conflict as a means of settlement of international problems; and,

Whereas the Christian Church (Disciples of Christ) General Assembly in 1981 adopted peace with justice as priority for 1982-1985; and,

Whereas the Christian Church (Disciples of Christ) General Assembly in 1981 resolved to endorse the advocacy of a National Peace Academy; and,

Whereas we who are of the Judeo-Christian tradition have become aware of options other than armed conflict for the resolution and/or management of conflict;

Therefore be it resolved that the Christian Church (Disciples of Christ) in West Virginia meeting in Assembly at Princeton, WV on April 26-28, 1984, endorse the formation of a National Peace Academy for the purpose of training persons to work for peaceful solutions to national and international problems; and

Be it further resolved that the Regional Minister be instructed to voice this support by calling upon the entire West Virginia Congressional delegation to support S564 and HR1249, and convey to the members of the House Foreign Affairs Committee and the Labor Committee in the House of Representatives and the Senate Majority leader as well as the West Virginia delegation a copy of this resolution and call upon them to pass the bills to the floor for Senate and House action; and,

Be it further resolved that all congregations in the Christian Church (Disciples of Christ) in West Virginia be encouraged by this assembly to show their support for the National Peace Academy by joining the National Peace Academy Campaign and by writing similar letters of support from the various Church Boards after appropriate action to the aforementioned members of the Congress who have the opportunity to pass legislation to bring a National Peace Academy into reality during this session of Congress.

FIRST CHRISTIAN CHURCH,
Morgantown, WV.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, February 21, 1984.

HON. HOWARD H. BAKER, JR.,
U.S. Senate,
Washington, DC.

DEAR HOWARD: With tensions rising around the globe and troubling world events dominating the news, the American people are anxiously looking to Washington to address their growing concern about the state of the world.

With this in mind, we write to let you know of our continued support for S. 564, the United States Academy of Peace Act. What better time for the Senate to act on this legislation than now? We look forward to giving S. 564 our support on the floor, and hope that you will schedule the Act for a vote as soon as possible.

With best wishes,

Sincerely,

CHARLES MCC. MATHIAS,
Jr.

ROGER W. JEPSEN.

MARK ANDREWS.

DAVE DURENBERGER.

ROBERT T. STAFFORD.

U.S. SENATE,

Washington, DC, March 22, 1984.

HON. HOWARD H. BAKER,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR HOWARD: As you know, S. 564, the United States Academy of Peace Act, is currently on the Senate calendar awaiting floor action. I respectfully request your assistance in bringing this bill speedily to the floor.

I believe the creation of a National Academy of Peace will aid this country in our continuing efforts to keep the peace and to achieve a lasting peace. The Academy will serve as a nonprofit corporation to provide endowments and operational services to research and educate in the areas of diplomacy, international affairs, peace studies and conflict solutions.

I hope the Senate will be given an opportunity soon to discuss this legislation and the proposed alternatives to it. I believe we could all benefit from the exchange.

Thank you for your assistance.

Sincerely,

RUDY BOSCHWITZ.

Mr. MATSUNAGA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. MATSUNAGA. Mr. President, as a cosponsor, I rise in strong support of the amendment offered by the Senator from Oregon [Mr. HATFIELD] to establish a U.S. Academy of Peace. The proposed Academy of Peace was recommended by the U.S. Commission on Proposals for the National Academy of Peace and Conflict Resolution. I was honored and privileged to serve as the Chairman of that Commission which was established by Congress and funded in 1979 and which conducted a year's study in 1980-81. To implement the Commission's recommendations, I introduced a bill, S. 1889, in November 1981 with 55 cosponsors, and after extensive hearings and markup sessions it was favorably reported by the Senate Committee on Labor and Human Resources in mid-1982, but it was not considered by the full Senate prior to adjournment sine die in that election year. Early in the current Congress the measure was reintroduced as S. 564 and again after hearings it was favorably reported by the Committee on Labor and Human Resources. The bill S. 564, which has 55 cosponsors, has been pending on the Senate Calendar since September of last year. It fully deserves consideration by the Senate, and I certainly congratulate the Senator from Oregon and the Senator from West Virginia, both of whom persisted in trying to get the measure considered, and for their untiring efforts in offering the measure finally as an amendment to the pending bill.

As envisioned by the Commission on Proposals for the National Academy of Peace and Conflict Resolution, and by the Senate Labor and Human Resources Committee, the Peace Academy would be an independent, graduate-level institution, headed by a

board of directors and a president. It would have three major functions: First, it would conduct research and fund research at other institutions; second, it would provide graduate-level and post-graduate level education and training for students enrolled in other institutions and for members of government, the private sector and voluntary organizations with an interest in international peace and stability; and, third, it would establish an information service to gather and disseminate information related to the field of peace learning.

The Academy would also establish a Jennings Randolph Center for International Peace where leaders and prospective leaders from this Nation and other nations would be appointed to study the art of peacemaking.

In support of its principal recommendation, the Commission on Proposals for the National Academy of Peace and Conflict Resolution cited eight major findings which, I believe, answer the question: Why an Academy of Peace?

First, the Commission found that the U.S. Academy of Peace would advance the national interest by developing peacemaking expertise that can reduce the chances that this Nation, or any other nation, will breach peace and risk nuclear war by escalating conflicts into violence; second, the Commission found that the United States has a special capacity to promote peace in the world, as well as throughout the Nation, and that the United States Academy of Peace would build upon and expand this precious heritage; third, the Commission found that the U.S. Academy of Peace would strengthen national security and reduce the cost of international conflict through its research and training in a range of options to conflict, in addition to military capacity; fourth, the Commission found that through its education, training, and information services, the peacemaking capabilities of Americans in government, private enterprise, and voluntary associations, thereby advancing this Nation's world leadership in promoting international peace; fifth, the Commission found that the U.S. Academy of Peace would amplify the field of peace learning and extend peacemaking expertise by focusing national attention on peace research, education and training; sixth, the Commission found that the U.S. Academy of Peace should use both international and national peacemaking and conflict resolution experiences in designing its education and training and information services, and should give priority to research on cultural differences in peace and conflict resolution processes; seventh, the Commission found that the absence of a coordinated national commitment to research, education, and training in the

field of peace learning has caused neglect of peacemaking knowledge and skills to the detriment of our Nation's effectiveness in policymaking, and policy implementation, in international affairs, conflicts and war; and, finally, eighth, the Commission found broad government and public support for a Federal institution devoted to this Nation's peacemaking capacities that would have complimentary programs of research, education, training, and information services, one which would serve people in and out of government, and one which would be sheltered from undue government or private domination.

In short, the Commission found that the American people have an untapped and unutilized capability for peacemaking which would be enhanced and focused by a U.S. Academy of Peace. It would build upon the existing talents and skills of Americans in all walks of life, and it would increase our ability to maintain world peace and compliment our military capability and policy of deterrence—not replace them.

Although opponents of the Peace Academy have tried to label it a "radical" idea and a new one, it is neither radical nor especially new, as was pointed out by the Senator from Oregon. The concept of a national institution devoted to peace research and training was first advanced shortly after the American Revolutionary War and has been attributed both to Benjamin Rush, a prominent physician and signer of the Declaration of Independence, and to Benjamin Bannecker, a black mathematician who was the editor and publisher of Bannecker's Almanac, in which the "Plan for a Peace Office" within the Federal Government first appeared. George Washington, himself, urged the former colonists to include "a proper peace establishment" within the Federal Government.

In the 20th century, the idea reappeared in 1935 when Senator Matthew M. Neely of West Virginia introduced legislation providing for a Federal Department of Peace similar to the Rush/Bannecker "Peace Office." A "Bureau of Peace and Friendship," to be located within the U.S. Department of Labor, was also proposed in 1935 by Congressman Fred Bierman of Iowa. The Bureau, to be headed by an eminent sociologist, was to carry out research on matters pertaining to peace and war. Research was also the focus of two congressional resolutions introduced in 1945 and 1947 by then-Congressman Everett Dirksen, later a U.S. Senator from Illinois. The Dirksen resolution called for the establishment of a Division of Peace within the U.S. Department of State.

In later years, the concept was expanded. In 1945, Senator Alexander Wiley of Wisconsin proposed legisla-

tion to establish a small, high-level Department of Peace, with the Secretary serving, among other things, as the U.S. Representative on the United Nations Security Council. That same year, JENNINGS RANDOLPH, then a Congressman from West Virginia, introduced a Department of Peace bill which incorporated for the first time the idea that the international exchange of ideas and people is an effective means of keeping peace. Senator RANDOLPH's ideas are still very much a part of the Peace Academy concept and are clearly embodied in the proposed Jennings Randolph Center for International Peace, as proposed in our amendment.

Although congressional hearings were held on measures introduced in 1945 and 1947, the real developments during that era were the successful creation of the Marshall plan and the subsequent addition of a technical assistance program in 1949.

In 1955, President Dwight D. Eisenhower, pointing to "the unprecedented destructive power of (the) new weapons and the international tensions which powerful armaments aggravate," appointed a Special Assistant to the President for Disarmament. That individual, Gov. Harold Stassen of Minnesota, was given cabinet rank and was often referred to as the "Secretary of Peace."

Also in 1955, Senator Mike Mansfield of Montana, now the American Ambassador to Japan, and Congressman Harold Ostertag of New York introduced legislation providing for the establishment of a national peace college.

Between 1959 and 1961, the proposal which eventually became the Arms Control and Disarmament Agency took shape in Congress. Two of its principal sponsors in this body were Senator Hubert H. Humphrey of Minnesota, later the Vice President of the United States and a candidate for the Presidency, and Senator John F. Kennedy, later the President of the United States.

So it is clear, Mr. President, that the Peace Academy, far from being a radical or foreign idea, is actually one which is deeply rooted in our American heritage and which has been espoused for over 200 years by some of our Nation's most distinguished citizens.

Unlike the U.S. Department of State, the Department of Defense, or the Arms Control and Disarmament Agency, the U.S. Academy of Peace would not be charged with advancing specific U.S. interests abroad. Indeed, it would be prohibited by law from intervening directly in any international dispute. Its independence would free it to study international conflicts objectively and to propose innovative alternatives to violent conflict. Recent history provides many examples of prob-

lems which might be the subject of Peace Academy study: Disputes arising from the shortage of strategic minerals or food, border disputes, the situation in the Middle East, the war in the Falkland Islands, the conflict in Northern Ireland, and civil wars and revolutions in South America. A recent Associated Press survey, I might point out, revealed at least 15 small wars raging around the world, along with a score or more lesser conflicts.

The AP reported "The cost is unknowable. Each day uncounted hundreds die, thousands are maimed or driven from their homes, and untold wealth is consumed."

The tragic fact is that some 300 such wars, yes, 300 such wars, have been fought since the end of World War II. If graduates of a Peace Academy had been on the scene to help resolve just a few of these disputes without violence, no one, I am sure, would today object to the establishment of the proposed U.S. Academy of Peace.

Mr. President, today we take the best and brightest of our Nation's high school graduates and send them to military academies to learn the art of warfare, and I am not opposed to that because so long as there are nations on the face of this Earth which will choose to decide international differences on the field of battle, we do need our military experts for our own defense and security.

But why not take a few of our brightest young people at the college, post-college level, and teach them the art of peacemaking for peacemaking is as much an art to be learned if not a more difficult art than warmaking?

My own interest in the establishment of the U.S. Academy of Peace dates back to my youth when I noted that despite our long heritage as a peace-loving nation, our society tended to glorify war and violence.

My experience as a member of the 100th Infantry Battalion/442d Regimental Combat Team during World War II and as a member of which I was twice wounded on the battlefield reinforced my belief that we must teach the youth of our country and the youth of other countries not to glorify war but to glorify peace. Indeed, the need for the teaching of nonviolent means of settling international disputes is even more urgent today than it was when I was a boy for then we did not have the new weapons of "unprecedented destructive power" which President Eisenhower spoke of with such concern in 1955.

Mr. President, the need for a U.S. Academy of Peace has never been greater than it is today.

This need has been recognized by a majority of my colleagues, 55 of them who are cosponsors of the bill. The Peace Academy has been endorsed by

over 50 national organizations and associations, including the National Education Association, the American Council on Education, the American Federation of Teachers, the Council of Independent Colleges, and the executive committee of the Consortium for Peace Research, Education, & Development, known as [COPRED], a coalition of colleges with undergraduate peace studies programs, and the churches—every church practically has endorsed at the national level. The Peace Academy is certainly an idea whose time has at long last come, and I urge a favorable vote on this amendment.

Mr. STAFFORD. Mr. President, as chairman of the Subcommittee on Education, from which the Peace Academy bill originated, I rise in support of the amendment offered by my distinguished colleague from Oregon, on behalf of myself, Senator RANDOLPH, Senator JEPSEN, Senator MATSUNAGA, and a host of other Members.

Mr. President, this amendment is substantially similar to S. 564, reported from the Committee on Labor and Human Resources on July 23 of last year. It is the product of careful consideration and debate, originating with the deliberations of a national commission on the establishment of a Peace Academy. This idea has twice been reviewed through extensive hearings by the Subcommittee on Education. A Peace Academy bill was reported from the Labor and Human Resources Committee in the 97th Congress. And this year, after extensive debate and modification, the Committee on Labor and Human Resources once again gave its stamp of approval to this concept, reporting the bill by a vote of 11 to 6.

Mr. President, I believe my colleagues will agree with me that the preferable procedure for evaluation of this measure is consideration of a free-standing Peace Academy bill. Yet, it is increasingly clear that the time constraints and priorities of the Senate will not permit this. And it is also very clear that the authorization bill before us relates as much to the maintenance of peace as any bill we consider in this body. It is entirely appropriate that legislation authorizing a mere \$23 million to promote peaceful resolution of conflict be debated in the context of a multibillion dollar bill designed to ensure peace through military strength.

At the outset Mr. President, I want to draw the attention of this body to the tireless efforts of our distinguished colleague of West Virginia, [Senator RANDOLPH] in his advocacy of this concept. Senator RANDOLPH first pioneered efforts to create a peace institution by introducing in the House of Representatives a bill to establish a Department of Peace. To this day, the establishment of a National Peace In-

stitution has not been far from my good friend's mind.

I should also like to note, Mr. President, that we have included in this amendment a provision not included in the bill as reported in committee. This provision names the Center for International Peace authorized in the bill the Jennings Randolph Center for International Peace. It is a compelling tribute to the persistence, commitment, and foresight of a man whose years of service in this body form a model for others to follow.

What we propose, Mr. President, is the creation of an institution designed, through education, training, and information dissemination, to improve our response to the resolution of international conflict. While there are some conflicts that cannot be resolved through reasoned analysis of politics, culture, and international affairs, there is much we can do—indeed, there is much we must do—to improve the way we address international disputes.

The Peace Academy bill proposes a three-pronged approach to integrating peacemaking techniques more solidly into the domain of our diplomats, military leaders, international businessmen, and citizens.

First, the Academy would operate its own programs, symposia, conferences, and other public activities. To carry out these responsibilities, the Academy is authorized to establish appropriate schools and other training facilities. Envisioned, for example, are a series of satellite branches—preferably operating under joint contract between the Academy and an existing school, nonprofit group, or library—to provide educational services promoting techniques and methods of conflict resolution.

Second, the Academy is authorized to establish a Center for International Peace, which, as I have just mentioned, we propose to name in honor of our distinguished colleague, Senator RANDOLPH. The Academy's Board may appoint for periods of 2 years scholars and leaders in peace and conflict resolution from the United States and abroad.

We envision this portion of the Academy as an International Center attracting outstanding members in the fields of peace and conflict resolution. The Center will offer long-term courses, extended periods of cooperative research, continuing education programs, library services, and other educational programs. These opportunities would serve as a readily available resource for Government policymakers, private sector officials, and other actively involved in arms control, international conflict resolution, and diplomacy.

Third, the Academy is charged with the task of developing for publication and other public communication the

products of the Academy. A national conflict resolution information clearing house is authorized and would contribute significantly to the dissemination of innovative and relevant information in peace studies, and conflict resolution.

Mr. President, this legislation has been painstakingly crafted. It has received an exhaustive review by the Committee on Labor and Human Resources. More than 20 amendments were considered in committee, and more than half of these were accepted.

The amendment creates an institution relevant to the real life conflict resolution needs of this Nation. The Secretary of State, the Secretary of Defense, the Director of the Arms Control and Disarmament Agency, and the Director of the CIA may assign employees of their respective departments to the programs authorized by the Academy. The amendment requires that research and related studies place particular emphasis on realistic approaches to past successes in the quest for peace and arms control. Researchers with appropriate security clearances are urged to use U.S. documents and material from the State Department, DOD, the Arms Control and Disarmament Agency, and the intelligence community. Indeed, policymakers at all levels are urged to take advantage of the Academy's research, training, and information dissemination opportunities.

Yet the Academy is not an intervention agency. It is not a national policy-setting agency, nor would it participate in the policy decisions of any Federal or non-Federal body. It is not an institution with either the role or the authority to undermine the ability of Congress, the President, the Secretary of State, the Secretary of Defense, or other policymakers to develop and implement foreign policy.

It is, however, a tool for these officials. It is an institution designed to serve as a resource to facilitate serious consideration of strategies and techniques to help prevent violence in the world, while protecting freedom.

Mr. President, the amendment we offer today is the product of many long years of work. It is, I hope, the start of an era where conflict resolution techniques form an integral part of our response to international tension and dilemma. I urge my colleagues to lend their strong support to this amendment.

Mr. JEPSEN. Mr. President, I rise in support of the amendment of the Senator from Oregon. As my record clearly shows, I have been in the forefront of those who have decried the neglect of our national defense in the 1970's and the resulting increase in Soviet aggression. I have strongly supported our renewed efforts to strengthen our

defense so that we can remain firm peacekeepers.

Mr. President, we must go beyond these efforts. The establishment of the U.S. Academy of Peace is a modest proposal that could add significantly to our ability to resolve conflicts at all levels through peaceful means. The cost of the Peace Academy will be about \$23.5 million next year which is about the cost of one F-18 fighter plane.

Mr. President, we have a dual commitment to be competent peacekeepers and aggressive peacemakers. Mr. President, for the last 3½ years we have shown our commitment to be strong peacekeepers. I will continue to support that resolve. Now we must also add to our commitment to become aggressive peacemakers. I support that also in my cosponsorship of U.S. Academy of Peace.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, the Peace Academy is before us once again. Once an idea has been planted Congress rarely spurns the opportunity to establish a new Federal agency or program. But to be against the Peace Academy is to seem to be against peace, which only sustains my conviction that labeling is one of the most critical steps toward the passage of any legislation. There's an instant psychological barrier to surmount to vote against an Academy for Peace, just as there is with the Clean Air Act or the National Endowment for Democracy. But it is our responsibility to look beyond the cover of the book, and to examine the content of the legislation, its impact, and whether or not it constitutes a proper use of Federal funds.

I believe that we can objectively examine the devices we have established to pursue peace in the past, and consider whether these same kinds of mechanisms are capable of ensuring peace in our day. I sincerely hope that we can undergo this review and analysis process without being accused of being antipeace.

There is not a Member in this body who opposes peace. But while all of us believe peace is a noble objective, we are at odds as to the best means to achieve it, as the debate on the defense bill this past week has shown. George Will, in an article on the subject of the Peace Academy, remarked that:

Peace is so desirable that, if an academy were relevant to it, it would be worth paying the terrible price of having yet more graduate students. But the idea of a peace academy flows from many premises, all mistaken. One is that mankind's "natural" condition is peace, the breakdown of which results from remedial "mistakes" and "misunderstandings." Another premise is that peace can be taught as a discrete subject, like dentistry.

A third premise is that conflicts between individuals, and domestic social discords, are closely analogous to, and pregnant with lessons about, conflicts between nations.

Will, not surprisingly, is right on target. The problem with the Peace Academy is that it inevitably will be an exercise in self-delusion. Somehow, we seem to be led into believing that the simple creation of a government institution to promote conflict resolution and negotiation will effect peace. We put all of our eggs in the basket of these peace institutions, and all of our confidence in the faceless people who will be providing this instruction in how to achieve peace.

History is replete with examples of nations that were overcome because their people failed to provide for their defense because they took refuge in deceptive assurances of peace. Most of England undoubtedly breathed a sigh of relief when Neville Chamberlain returned from Munich, proudly displaying his agreement with Adolf Hitler and announcing that we had "peace in our time." Hitler launched his stunning blitzkrieg of Poland shortly thereafter. The people of Europe had put their eggs in that piece of worthless paper, and were temporarily and dangerously deluded about the growing threat that would grip them with terror in the coming years of the world's worst war.

Neville Chamberlain has gone down in the history books as the great proponent of appeasement, the dupe of a shrewd adversary. Appeasement was widely recognized to have been a foolish, disastrous policy. Today, many of our politicians would pursue the same disastrous policies with the Soviets, leaders who have proven that they are every bit as ruthless and determined as Adolf Hitler.

Winston Churchill, who proved to be one of the war's greatest leaders, was ostracized by most of England's leading politicians and statesmen, at the same time that Chamberlain was being applauded for negotiating with Hitler. In 1934, Churchill had sounded the same warnings about Nazi Germany that many here in Congress express today about the Soviet Union. At one dinner party in England, a lady socialite and Labour Party member asked Churchill why he was trying so hard to convince everyone that Hitler was such a dangerous man. Churchill's response: "If I do not succeed, Madam, I'm afraid you will find out." Well, I for one do not wish to find out what the Soviets will do if we fail to provide for our own protection and disarm ourselves in the hope that somehow unilateral disarmament will have a pacifying effect on the Soviets. We've unilaterally canceled major weapons systems in the past, and it has not enticed the Soviets to follow suit. They have never stopped building weapons in the face of U.S. resistance.

I believe that peace, at least between the United States and the Soviet Union, the world's greatest military powers, will continue to rest upon the United States continuing to understand the nature of the Soviet leadership. The Soviets have three constant and unchanging objectives in their position relative to the United States. They have sought nuclear superiority, for the purpose of nuclear blackmail. They have sought control of the strategic and material resources upon which the United States, NATO, and other Western Allies depend. And, they have sought, with great success, to mask their intentions through widespread use of disinformation and propaganda. Most important, the Soviets are unimpeded in their pursuit of these objectives, while democratic governments must contend with Soviet-orchestrated peace demonstrations, with Soviet and Eastern bloc agents posing as diplomats, and with Communist Party and front organizations actively soliciting support for their causes among our own citizens. Now these activities can occur legitimately in a free society, and I would have it no other way, considering the alternative. But, we must recognize the inherent weaknesses of our political system, and make tireless efforts to separate what is truth and what is propaganda and disinformation about the world situation and our national security interests.

Hitler's autobiography, "Mein Kampf," detailed his plans for the conquest of the world. The Soviets, similarly, have provided us with ample evidence of their geopolitical objectives. It is common knowledge that they show no scruples in their efforts to reach their objectives. They flagrantly violate arms control agreements, advocate international terrorism and subversion of democratic governments, use slave labor to build their oil pipeline to Europe, forge official documents to discredit the West, and blast civilian airliners out of the skies with impunity. Most recently, the Soviet hand was revealed in the assassination attempt on the world's foremost religious figure, Pope John Paul II. And the Soviets, despite polite objections from the West, have persisted in the psychological torture of one of their most eminent scientists and a Nobel Peace Prize recipient, Dr. Andrei Sakharov.

The Soviet peace offensive, in spite of Western knowledge of Soviet behavior, is relentless. The Kremlin leaders have manipulated the institutions of peace already in existence, such as the United Nations, to further their goals. How can we be assured that yet another government entity will succeed where the United States has failed?

Some Americans cling desperately to the hope that the Soviets are civilized

people like Americans are, that our leaders are separated only by past disputes that can be ironed out so that we can be friends again. Of course the alternative, to recognize the Soviets for what they are, and have always been, is deeply unsettling. Yet we accept the fact that we must lock our doors at night, that evil exists in the world, and that vulnerability can be dangerous. Soviet peace offensives are only a modification of Soviet tactics, a new method in which to achieve their goal of world domination, not a change in their grand strategy.

What the Soviets really want we cannot negotiate; we cannot negotiate our freedoms. There are fundamental and divisive differences between our societies. They build walls to contain the many people that would escape their country if they could; we must hire border patrols to keep out the people that want to become Americans, that would like the chance to worship freely, to speak their minds, and to have a voice in their government.

The Russian people have never enjoyed, since the Bolshevik revolution the basic rights we have as Americans. They are largely ignorant of what America is all about because the news they read is censored. The papers in the Soviet Union are solely the mouthpiece of the Government. So, the Soviets continue to build weapons of mass destruction, to mount peace offensives in the West, and to orchestrate well-timed campaigns to defeat Western resistance to Soviet aggression and expansionism. What is the Western response? As Henry Hyde noted in a recent "Dear Colleague" letter, the House of Representatives responded by temporarily halting the MX, temporarily halting antisatellite weapons testing, temporarily halting nuclear-tipped sea-launched cruise missile development, abandoning modernization of our chemical warfare capability, and obtaining nothing in return. And now the Senate is considering spending taxpayer money on a national Peace Academy.

Why do we seem to be so confused about achieving peace? I lay part of the blame on the national media, which polls have indicated hold decidedly leftist opinions on major policy issues. The Soviets, as defectors from the Gulag have told us, need the media. Their journalist training schools churn out hundreds of professionals designated to infiltrate the Western media and to characterize the Soviets in a beneficial light. Newscasters harangue President Reagan's warmongering, bellicose, anti-Soviet rhetoric. The media castigates America's gunboat diplomacy, hard-line positions, provocation, and confrontation. Yet, Soviet Navy maneuvers in the Caribbean are observed as part of Chernenko's new assertive foreign

policy. This attitude is in keeping with what Congressman John Ashbrook called the postwar-era phenomenon—liberal fear of American power. Ashbrook said that:

The only question we really have to ask ourselves is whether it is better for us to continue to possess the power to be the leader in the world to use it for principles which we clearly espouse or to relinquish that power to other forces who surely would not use it for the lofty goals and ideals which have been the American dream and the American reality.

I agree with Congressman Ashbrook that the real dangers to world peace come from other quarters, not from Americans, who elements of the liberal persuasion believe is too strong, too rich, and too powerful.

I would ask the Peace Academy supporters how much money should we spend on peace projects before they will be satisfied that we are spending enough? Are there any limits? If we spend money now for the State Department, foreign embassies, for the Peace Corps, for public and private cultural exchanges, for international fellowships, book fairs, and for National Endowment for the Humanities' Russian Awareness weeks, then do we need a Peace Academy too? If all these agencies and projects actually advance peace, then why have we witnessed so many nations subjugated to the permanent peace of the Communist bloc since the end of World War II? These enslaved people are a living testament to the fact that our institutions advocating peace have done nothing to stop the Marxist-Leninist advance upon the free world. Therefore, although the superpowers have avoided global warfare for four decades, there has never been peace. We are locked into a continuous struggle, and the Soviets have successfully used terrorism, subversion, propaganda, and proxy forces to make their gains.

Peace and freedom could better be preserved if we recognize that there are limits to negotiation and conflict avoidance, that there is a point at which we can acquiesce no further without sacrificing our principles or jeopardizing our national security. My concern about peace activists is that they interpret peace to mean offering no resistance. That dangerous attitude, that arbitration always is the solution, will undoubtedly pervade any Peace Academy.

A better alternative would be to create a Freedom Academy. As a famous Soviet dissident, Vladimir Bukovsky, explained, the United States has never had a similar weapon against the ideological expansion movement that has propelled communism forward in spite of its monstrous failure as a political and economic institution. Democratic government has already been accepted by the people of the world as a better system, but the West has failed to promote that better

way of life. The Soviets, in contrast, have relentlessly and steadfastly propagated the myth that capitalism is profligate and corrupt, using all the ideological tools at their disposal, both legitimate and illegitimate. We should consider an ideological offensive of our own, and work at more effective ways to get information from the free world into the Eastern bloc, to offer ideas, hope, and encouragement to their imprisoned masses of people.

I submit to the RECORD the following articles by George Will, one entitled "Giving Peace a Bad Name," the other, "Why Arms Control is Harmful." I am also submitting the excellent remarks of our former colleague, John Ashbrook, who was a member of the Commission on Proposals for the National Academy of Peace and Conflict Resolution.

GIVING PEACE A BAD NAME

(By George F. Will)

Sen. Jennings Randolph, a West Virginia Democrat, is an affable slab of a man who looks like a piece of Stonehenge that walked away. He first came to Congress 50 years ago. He is leaving next year, and many colleagues want to honor him by fulfilling his fondest desire, establishment of a United States Academy of Peace. Unfortunately, that is another idea that could give peace a bad name.

The proposal for a peace academy is as American as, well, the Kellogg-Briand Pact, which outlawed war many dozens of wars ago. A peace office was proposed for the government in 1793. In 1945 a young congressman from Pekin, Ill.—et tu, Everett Dirksen?—proposed a division of peace within the State Department. Today the lobby for the peace academy claims 30,000 supporters. Its list of advisers begins with Ed Asner. A fund-raising letter begins, "Dear Fellow Human." I never learn how letters that begin that way end.

A peace academy would be part graduate school, part think tank. It would sponsor research about the causes of conflict, and techniques of conflict resolution, duplicating work done at many universities. If it were just a slice of pork for the academic lobby, it would not matter. It matters because it illustrates odd ideas about peace.

Terrible Price: Peace is so desirable that, if an academy were relevant to it, it would be worth paying the terrible price of having yet more graduate students. But the idea of a peace academy flows from many premises, all mistaken. One is that mankind's "natural" condition is peace, the breakdown of which results from remediable "mistakes" and "misunderstandings." Another premise is that peace can be taught as a discrete subject, like dentistry. A third premise is that conflicts between individuals, and domestic social discords, are closely analogous to, and pregnant with lessons about, conflicts between nations. Hence conflicts are opportunities for applying clear, teachable techniques of "conflict resolution." A fund-raising letter for the peace-academy lobby proclaims: "There is now a science—tested and proved in actual practice—that can help make war obsolete."

Supporters speak of learning to "wage peace." They say, "peacemaking is as much an art to be learned as war." But it is not. War is the intense focusing of will and ma-

teriel, of leadership and technique, to achieve clearly definable political aims. War is a profession; peace is a condition.

The words "war" and "peace" are misleading when used in ways that suggest a clean, clear distinction. At different times and places the words have denoted quite different things. Gen. Sir John Hackett says that when Britain and France were engaged in the Seven Years' War (1756-1763) most citizens of both countries were unaffected by it and many never even heard about it. Today in the continuum between peace and war lies a broad terrain of troubles such as terrorism, subversion and ideological aggression. Hackett says that weapons of mass destruction have made the prevention of war rather than the waging of it the principal purpose of armed forces. But he also notes that in the less than 40 years since peace (of sorts) came to Europe, outside Europe there have been at least 40 wars with more than 40 million dead.

And now add the population of Kansas City to the casualty list. ABC is about to treat the nation to a prime-time entertainment movie, "The Day After," portraying the reduction of that city to a cinder. The movie is this month's—they come about one a month—original discovery that nuclear war would be awful. It is safe to assume that some of the persons who made the movie consider it a political act. It will have the predictable and intended effect of stirring recruits for the "peace movement." One thought behind movies like this is that it is morally frivolous for anyone to go through life other than weighed down by woe about living in dangerous times. A related and equally dumb thought is that if everyone can just be scared witless, everyone will act constructively to make a less scary world.

In the current climate, the last thing the nation needs is a peace academy staffed by people stuffed full of the ideas you would expect in people attracted to a peace academy. All that an academy could usefully do is what every liberal-arts school does: teach history. Taught properly, history refutes the idea that there is some social or scientific key to peace.

However, the academy bill has 55 Senate and 158 House cosponsors. It is a double temptation. Peace is a good thing, and Americans believe in academies because they believe that any unpleasant fact is a "problem" solvable by good will backed by education.

Counter-Hijacking: Besides, an important tactic in contemporary politics is semantic hijacking: factions make certain words their private property. The agreeable adjective "gay" has been ruined. Let's see: "environmentalists" want a nice environment, so the people environmentalists oppose must be opposed to that. Then there is the "peace movement," which has cornered the market on "concern" about war. (Some people want to ban the bomb. I want to ban the word "concern" as used by groups calling themselves Clergy and Laity Concerned About This or That.) A peace academy is another instrument for moral posing: everyone who loves peace, line up behind our latest peace-promoting scheme (the League of Nations, the Oxford Resolution, the United Nations, SALT I, SALT II, cultural exchange, East-West trade, nuclear freeze, peace academy); everyone who doesn't care a fig if Kansas City goes poof, line up over there. Of course there are all sorts of ways of loving peace. As Clausewitz said, "The conqueror is always peace-loving; he wishes to make his way into territory unopposed."

Peace is made possibly by many factors, but not least by (in words Herman Wouk once spoke at West Point) "the willingness of an able few to give up personal freedom in the necessary discipline of a military arm. On a planet which is mostly not free, a free society can only live by such a sacrifice of this able few." So, if I can attempt a counter-hijacking: we already have three peace academies. One is on the eastern slope of the Rockies, one is on Chesapeake Bay and one is where Wouk spoke.

WHY ARMS CONTROL IS HARMFUL

(By George F. Will)

Today's arms-control controversy is remarkable for the virtual absence of the most important argument. It is that the arms-control process is injurious to U.S. interests. That argument offends conventional wisdom and (what is much the same thing) wishful thinking. It has the redeeming merit of being true, as Seymour Weiss knows. In a paper presented at the Lehrman Institute, Weiss, retired ambassador and State Department director of political and military affairs from 1960-67, argues that enthusiasm for the arms-control process—a process barren of achievements—reflects misapprehensions about the usefulness of that process in slowing the arms race, saving money and taming the Soviet Union.

The idea of an arms "race"—often described as "spiraling"—is odd. The U.S. nuclear-weapons inventory has been sharply reduced. It contains 8,000 fewer warheads and 25 percent less megatonnage than in the 1960s. This is the result not of arms agreements but of modernization programs that produced safer, more effective weapons—modernizations of the sort that arms-control advocates try to block with agreements.

Safer World? During the era of détente and arms control the Soviet nuclear arsenal has grown quantitatively and qualitatively. A study commissioned during the Carter administration compared 41 categories of nuclear capabilities (warheads, megatonnage, delivery systems, etc.) in the period beginning with the Cuban missile crisis. It concluded that the United States had been well ahead in every category in 1962 and was behind in all but two by the late 1970s. Since SALT II was signed in 1979 the Soviet Union has added more than 3,400 warheads. Does anyone think the world is safer than it was when the SALT process began in 1969?

The achievement most celebrated by arms-control enthusiasts is the 1972 treaty effectively banning antiballistic missiles. True, we saved the cost of ABM's. But partly as a result of that decision we will spend many more billions on MX missiles, an unsatisfactory response to the fact that our undefended land-based ICBM's are vulnerable. Because MX is unsatisfactory, billions more may be spent on smaller, mobile "midgetman" missiles. Why is MX so unsatisfactory? Because of an arms agreement.

SALT I limited the number and size of launchers—basically, holes in the ground—rather than numbers or megatonnage of warheads. Limits on those would be hard to verify, given Soviet secrecy. So SALT I drove arms planning toward big missiles packing maximum megatonnage. SALT I did what arms agreements usually do: it did not restrain competition, it turned it in a new direction. It was a direction in which the Soviet Union, with its huge SS-18s, had a lead. SALT I ratified a Soviet advantage and, by giving rise to the inherently vulner-

able MX, reduced the stability of deterrence.

This republic overflows with laws, lawyers and faith that the world can be tamed by words on parchment. Americans see arms control as a way of freezing the status quo; the Soviets see it as one arena in a comprehensive, unending competition. Furthermore, Weiss says, persons who think arms control should be the "centerpiece" of U.S.-Soviet relations ignore the fundamental incompatibility of U.S. and Soviet objectives. The configuration of the Soviet buildup in the arm-control era is unambiguous. The arms are not designed for defense but for producing a world pliant to Soviet designs. Weiss says there is no reason to expect the Soviets to negotiate away advantages, and ample reason to expect the Soviets to exploit the American thirst for agreements.

In addition to selling discord among U.S. allies and paralyzing U.S. procurements, Soviet negotiators have, Weiss says, five aims. First, limit the wrong things (e.g., launchers). Second, make sure the limits on important things are ambiguous. (SALT I limited but did not define "heavy" missiles.) Third, accept specific limits only if they are unverifiable (e.g., the ban on biological weapons or the SALT II limits on cruise-missile ranges). Fourth, evade even strict, verifiable limits by claiming they do not apply to this or that program. (The Soviets claim their ABM system is just a defense against bombers.) Fifth, get the treaty to legitimize violations of the treaty. (SALT II's flimsy verification terms forbid encryption of data from missile tests—except when encryption is not intended to evade arms-control limits. But given that it is encrypted, how are we to tell?)

Because ours is an open society, our government cannot cheat on agreements, and because our society invests such hope in arms control, even an administration as starchy as Reagan's is apt to forgive Soviet cheating or mute even required reports of it. When, complying with a Senate demand, the administration submitted a list of Soviet violations, The New York Times denounced the—you guessed it—administration for "initiating this damaging laundry list."

Weapons: The arms-control era has coincided with unparalleled Soviet aggression and threats from Indochina through Afghanistan. Try to tell victims of "yellow rain" about the wonders of arms control. Biological weapons are controlled—on paper. What has violation of the controls produced? A U.S. clamor for yet more agreements. And arms-control enthusiasts, their enthusiasm impervious to evidence, continue to use slogans that were threadbare when Dean Acheson refuted them.

Acheson demolished the bromide that "as long as the Russians are talking they are not fighting." Acheson said that Americans are so wedded to the belief that negotiations are means of ending conflicts that they are blind to the fact that negotiations are equally suited to continuing conflicts. Of the slogan "There is no alternative to negotiations with the Russians," Acheson said: "This is, of course, silly. For if there is no alternative, and if the Russians will only negotiate, as is now the case, on their own terms, then there is no alternative to surrender."

For that reason someone should tell Ronald Reagan to quit saying that nothing is more important than "development of a better working relationship with the Soviet Union." Such talk worsens the asymmetry in U.S.-Soviet negotiations by building pres-

sure on the U.S. government for concessions to produce "movement." An immoderate and unempirical belief in arms control produces a policy of apologetic retreats.

COMMISSIONER STATEMENTS: DISSENTING VIEWS OF COMMISSIONER JOHN ASHBROOK

Peace is like health in the limited sense that everyone is for it. If "peace learning" (to use the Commission majority's phrase) were like health learning, the case for a new Federal agency analogous to the National Institutes of Health would be persuasive. But it is not.

There is no consensus among scholars, even among those who support the concept of a Federal Peace Academy, on whether peace research is now or ever will be a coherent and rigorous academic discipline. Professor Kenneth Boulding wrote in 1978 that the field is still in the first phase of a new discipline: it has a bibliography, and you can give an examination in it. In the second phase, according to Professor Boulding, "the intellectual ferment has produced a moderately homogeneous brew which can be summarized in a textbook. The conflict and peace studies discipline . . . has not yet reached this stage, but I would expect it to do so in the next ten years."

The Commission majority makes no such prediction, but it argues . . . that peace studies is a distinct and definable field of learning for three reasons: it has a literature, courses of study, and professional organizations; it has well-defined assumptions and definitions, and a variety of research methodologies; and it has a strong applied component in the practice of conflict intervention.

By those standards, "health" has been a distinct field of learning for most of the last millenium, including the centuries when the average encounter between the average doctor and the average patient was as likely to shorten the latter's life as to lengthen it. So are astrology, Lysenkoism, and Keynesian economics.

But an academic field which wants to have an official government agency of its very own should be held to higher standards. It should demonstrate the kind of conceptual solidity and compelling explanatory power which irresistibly command the attention and transform the thinking habits of scholars in related or competing fields. It should prove beyond reasonable doubt that it is more than a passing fad.

Peace learning has not yet done this. It may never do so. But some 80 colleges and universities currently have departments of peace studies or conflict resolution; we do not need a new Federal agency to give peace studies a chance.

The Commission's staff has mentioned its concern that an official Peace Academy might be "too close to the government to ask the hard questions such an institution should ask." The Commission majority apparently believes that it is possible to solve this problem, but I do not. By its very nature it is impossible to solve.

Peace is inseparable from justice, and justice is inseparable from morality. Sometimes it is impossible to secure justice without conflict, and that means that some conflicts are desirable. The best outcome for some conflicts is not compromise or arbitration, but a clearcut victory for the side that deserves to win.

Unless a Peace Academy confines itself to trivia, it will have to make judgments about which conflicts are desirable, which not. Such judgments are inescapably value-

laden; as the Commission majority observes, "questions of ethics and values are central, not peripheral, to peace inquiries." But the formulation of values is not a proper activity for a government agency. Government-formulated values are almost always warped values: bent by the pressures of special interests and ideologues.

What would those pressures be? As a practical matter, the danger of an official Peace Academy's being unduly influenced by the selfish interests of, say, the Joint Chiefs of Staff is rather small. Given the ideological predilections of most "peace studies" professionals, it is more likely that the Academy would become a sounding board for the antinationalist, accommodationist views which are increasingly unpopular among American taxpayers. (The Commission proposal increases this danger by allowing the Academy to receive and spend funds from private organizations.) But the dilemma is unavoidable: if a government Peace Academy exists, it will either force citizens to subsidize the promotion of beliefs they disagree with, or allow research decisions to be swayed by popular pressures. The only way out of this dilemma is to leave the frontiers of controversial research in the private sector, which is where they belong in a free society.

Judging by the Commission's hearing record, most proponents of an official Peace Academy seem to believe that the United States should have a government agency which views the world, not from the perspective of American values and interests, but with the sort of pseudo-cosmopolitan outlook that prevails at places like the United Nations. Embedded in this outlook are a number of tacit premises:

Ideologies, except for so-called "colonialism," are mostly benign or unimportant. In any case, ideology can be defused by neutral expertise.

The chief barrier to worldwide progress is Western arrogance and selfishness.

"Nationalism" is a bad thing, except in the Third World.

Power politics is inherently immoral, at least when used by the West.

It is more important to "resolve" conflicts than to win them, except for selected conflicts in places like southern Africa.

There is no irreconcilable conflict of values between the United States and the Soviet Union.

So much for some of their major premises.

The type of thinking which is based on these premises has been with us for a long time. It was stated as ably as it can be by Zbigniew Brzezinski, who wrote in 1970 that "Today the old framework of international politics . . . with their spheres of influence, military alliances between nation-states, the fiction of sovereignty, doctrinal conflicts arising from 19th-century crisis is clearly no longer compatible with reality." For the last four years, this view was the dominant one in our foreign policy. The results are plain for all to see.

In March 1980, the staff of this Commission produced a "Design Paper" which allows further insight into the pro-Peace Academy philosophy. On page 6 of this document, the writers state that "when conflict resolution or conflict management is taken to mean pacification, delay, placation, . . . of the status quo, justice is not served and often more violence is apt to occur." With all due respect to my fellow Commissioners and to our staff, I must say that this statement is pure malarkey. It reflects a naive view of historical change, which is all too common among modern liberals confronted

by revolutionaries who believe in dialectical materialism.

In the real world, the status quo is often the least violent, least unjust choice available—as it was in Indochina, Ethiopia, and Iran. There is often a lot to be said for "delay," especially when the changes being delayed are nasty, and difficult to reverse.

On page 7 of this document there appears another passage worth pausing to consider. The writers opine that inflation, unemployment, and the limits of resources, combined with poverty, racial discrimination, the problems of social services delivery, equal educational opportunity, consumer and environmental protection, and prison conditions are among the conditions which have resulted in an increase in the number of conflicts to almost unmanageable proportions. The degree to which society deals with such disputes in creative, just, and direct ways may affect future levels of social violence.

The fascinating thing about this passage is the way it manages to be both selective and expansive at the same time. Why do the writers not include on their list of "conditions" such items as high taxes, zero-growth economics, regulatory strangulation, street crime, pornography, race/sex quotas, and forced busing? Why do they include only those problems which are thought by some (usually the liberals) to require more Federal activism rather than less? The list's selectivity pinpoints one of the fundamental problems with any government research academy: it will not bite the hand that feeds it.

On the other hand, why do the writers lump together so many different kinds of disagreements which one human being might have with another? There is no particularly good reason to do so unless one believes that conflict is unnatural to the human condition and can be banished through some exotic new blend of therapeutic and managerial techniques. Since this belief is totally founded on hope rather than experience, each of us is free to accept or reject it. I reject it.

The most frequent argument I have heard in favor of an official Peace Academy is also the most exasperating. It goes like this: the government spends a lot of money on the military, but relatively little on peace. If we really care about peace, we should give it a bigger share of the Federal budget.

Aside from the fact that this argument implicitly denies that our military spending is at least intended to help keep the peace, it reflects a fundamental misunderstanding as to who "we" are. "We," the American people, are not identical to the national government. We pursue many important and diverse goals through means other than Federal programs; in some areas, like education, we have learned the hard way that Federal programs do more to strangle than to promote creativity and progress.

If dollars are the measure, consider that in 1978 Americans spent more than \$337 billion in international trade and tourism: three times the size of that year's defense budget. Most of that sum represented "spending for peace," and it was spent a lot more efficiently than it would have been under any conceivable government program.

If Peace Academy proponents really believe that the Federal government should have a monopoly on peace—or should stop having a monopoly on war—they should say so. If not, they should drop this whole line argument. I am glad to see that the majori-

ty report does not use this argument; I wish it had explicitly repudiated it.

While I would be known as a hawk, not a dove in the modern concept of those terms, peace and pursuit of peaceful goals would be uppermost in my conscience. We all want peace. Americans have no apologies to make for our 200 year history when compared to any other nations in history. Most of us follow the thesis set out by John Adams who said something to the effect that he studied war so his sons could study politics and so his grandsons could study poetry and the classics.

The Commission majority has tried to anchor its proposal in the American heritage by citing numerous proposals, from the 1790's to the present, for an official "peace office" or "department of peace" in the Federal bureaucracy. (The 1783 quotation from George Washington is grotesquely distorted: Washington was actually recommending a peacetime militia, not a peace agency in the sense conveyed by the majority report.) All these proposals have had one striking element in common: they have always been rejected, no matter what faction or party was in power. Benjamin Banneker's 1792 essay actually lamented that neither the victorious Federalist nor the anti-Federalist opposition seemed interested in the idea. Despite frequent repetition, the proposal has never been accepted by the mainstream of American political thinking.

A common thread seemed to go through the thinking of most of the individuals and groups who favor this Peace Academy. Indeed, one of the phenomena of this post-war era has been the fear that liberals seem to have about American power. I have no fear of American power because it is my sincere belief that it will continue to be exercised for good. History shows that power has always existed and someone has always had it—like it or not. There are no vacuums and with modern technology we will no longer have the safety margin of time and distance.

The only question we really have to ask ourselves is whether it is better for us to continue to possess the power to be the leader in the world to use it for principles which we clearly espouse or to relinquish that power to other forces who surely would not use it for the lofty goals and ideals which have been the American dream and the American reality. There is a guilt feeling among many Americans of the liberal persuasion who think we are too strong, too rich, too powerful. Some even argue, therefore, too dangerous to world peace. I cannot agree with them. The real dangers to world peace come from other quarters.

I cannot agree that Congress should embark on the Peace Academy route envisioned by my fellow commissioners. Years ago it became apparent to me that we should have some Freedom Academy, a place where Americanism can be taught and courses on communism made available to teachers, scholars and other interested citizens. I would favor that before we embark on the course cited in this report. Even in a Freedom Academy, I would have difficulty in advocating the model set out by my fellow commissioners. I just can't trust Federal prime responsibility for such a venture, whether it be in the climate of a Carter or a Reagan administration.

If Congress should be so foolish as to create a Federal Peace Academy and even if it became a forum wherein its one foreign policy philosophy were identical to my own, I still would not welcome any such official

favoritism. But more likely, the Peace Academy would soon become a haven for our Andrew Youngs, Ramsey Clarks, and others who believe that the way to make peace with the assorted ayatollahs and other titled bandits of today's world is to grovel.

The irony is that this "new" idea has already had its chance, has already been thoroughly tested and explored. For the last four years, an official Federal agency was dedicated to this very philosophy and embarked on this very experiment: the White House.

Mr. SYMMS. Mr. President, I hope that the Senate would reject this amendment tonight. I have the greatest respect for my dear colleague from Oregon who is my neighbor and who the former president of Willamette University which is, incidentally, an outstanding liberal arts institution that provides a great platform for this kind of activity in the great Northwest.

I think for us to submit taxpayers' dollars to duplicate what goes on at the liberal arts colleges all across the United States is totally unnecessary and unworthy of the labors of our taxpayers.

I yield the floor.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. WILSON. Mr. President, will the Senator from New Hampshire yield?

Mr. HUMPHREY. For what purpose, and for how long?

Mr. WILSON. For the purpose of allowing a unanimous consent that has been cleared on both sides so that the Senator from Iowa [Mr. GRASSLEY], may have 10 minutes to dispose of an amendment. I am asking that there be a unanimous consent to set aside the pending business to allow the Senator from Iowa [Mr. GRASSLEY], to be recognized to offer an amendment on spare parts; and, I further ask unanimous consent that upon the disposition of the Grassley amendment, the pending amendment on the Peace Academy shall recur.

Mr. NUNN. Mr. President, reserving the right to object—

Mr. HUMPHREY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. HUMPHREY. Is the Senator from California asking to set aside this business now?

Mr. WILSON. Yes.

Mr. HATFIELD. Mr. President, I object to that unanimous-consent request.

The PRESIDING OFFICER [Mr. TRIBLE]. Objection is heard.

The Senator from New Hampshire.

Mr. HUMPHREY. The matter of peace is not of itself controversial, but the means of attaining and keeping the peace most certainly is controver-

sial. I think, if the Congress chooses to enact and create the Peace Academy, it will behoove us to keep a very close eye on that institution to insure that it is not captured by one philosophy or another, and especially to insure that it does not become a sounding board for pacifists and Soviet apologists.

During the consideration of the Peace Academy bill in the Labor Committee, the Senator from New Hampshire succeeded in persuading his colleagues to adopt a number of amendments, amendments which are now contained in the language offered by the Senator from Oregon to the Department of Defense authorization bill.

The purpose of the amendments was to tighten up the language of the bill, at least in the eyes of this Senator, to narrow the possibility of abuses of the Peace Academy, and to hold it more accountable to the Congress. The amendments, among other things, require that the board chairman of the Peace Academy must prepare and transmit to the Congress and the President a progress report on implementing the purposes of the legislation every 2 years to be followed by Executive comment and congressional hearings on the record and the Academy's activities; second, Mr. President, additional grounds were provided for Presidential removal of members of the board of directors of the Academy, including upon the recommendation of the majority of the members of the congressional authorizing committees.

Another provision prohibited the use of the U.S. designation in the title or seal of the Peace Academy in any year that no authorization of appropriations is made by Congress.

In addition to those safeguards, which were included in the bill as reported by the committee and which are part of the amendment pending now, Mr. President, the Senator from Oregon has agreed to include and has included in the pending amendment an additional safeguard that precludes the acceptance by the Peace Academy or the expenditure by it of any private funds. In other words, Mr. President, the Peace Academy will have to operate exclusively on funds authorized and appropriated by the Congress.

Inasmuch as control of the purse strings is the ultimate means by which the Congress holds agencies of the Government accountable to the taxpayers, I think this safeguard is very much in order in this particular case.

I thank the Senator from Oregon, as I thank the other members of the Labor Committee, for cooperating in the efforts of this Senator to tighten the language of the bill and include some provisions which we saw as safeguards.

Now, I would like to engage in a brief colloquy with the Senator from

Oregon to clarify, if that is necessary, the legislative intent of the provision which he has incorporated which precludes the acceptance or expenditure of private funds.

Mr. HATFIELD. I would be very happy to.

Mr. HUMPHREY. I thank the Senator from Oregon.

Do I understand correctly that the sponsors have included in this amendment now pending the language of the Senator from New Hampshire to preclude the Academy from accepting private funding? Is that correct?

Mr. HATFIELD. The Senator from New Hampshire is correct. In the original version of the bill there was a provision for the receipt of private contributions. Due to the persuasive arguments of the Senator from New Hampshire, that provision was deleted and the Peace Academy is now to be exclusively and solely funded by the Government.

Mr. HUMPHREY. I must confess a little uneasiness on this point, Mr. President. I hope that in the future we will not see efforts to overturn this provision by amendment or otherwise. We cannot guarantee that in advance. But I will say I am going to keep a very close eye on this Peace Academy, especially on this provision. If I see any efforts to overturn it or if I see some problems emerging of the kind about which I expressed concern earlier, I am going to become a watchdog of the Peace Academy and try to eliminate as best I can any troublesome problem that might arise.

I think it is utterly essential, given the potential of this Academy becoming a controversial sounding board, that the Congress maintain absolute oversight responsibility. It is utterly essential that we retain, as years go by, this provision which precludes private funding or the expenditure of private funding by the Peace Academy.

I thank the Senator from Oregon for this clarification of the legislative intent. I hope that others who may be unclear in the future about the intent will refer to this legislative colloquy and these remarks to be assured of just what our intention was. I thank the Senator from Oregon. I yield the floor.

Mr. HATFIELD. Mr. President, I thank the Senator from New Hampshire. The Senator had a very profound concern about this proposal. After a number of sessions with the staff and the principals, we were able to work this out to his satisfaction. I can assure the Senator that, as chairman of the Appropriations Committee I feel that as long as I serve on that committee I will be in a position to be certain that it is properly funded and to see that those funds are handled by the committee and by the Congress. I would hope he would feel totally relieved of the concerns he expressed at

the time he raised this particular issue.

Mr. HUMPHREY. I thank the Senator.

Mr. HATFIELD. Mr. President, I have some material I would like to insert into the RECORD at this point.

Mr. President, there is a gentleman by the name of Mike Mapes, who was the director of the National Peace Academy campaign. He died of leukemia just 2 weeks ago. He did not live long enough to see the fruition of his efforts. Mike Mapes was a very outstanding American. I would at this time like to introduce into the RECORD a tribute in the context of some historical background leading up to the formation of that assistance group. I ask unanimous consent that it appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A TRIBUTE

The idea of a Federal organization to study peaceful means of conflict resolution is nothing new. Indeed, it is the shared dream of many statesmen throughout history. In the early years of our Nation, voices of sanity and vision began calling for a Department of Peace. West Virginia Senator Matthew Neely introduced the first legislation in this century calling for the creation of such a department in 1935.

The establishment of a National Academy of Peace would bring to a close not only my 9-year personal fight but also a 200-year attempt to force the Federal Government to give proper priority to the study of peace.

Since Senator Vance Hartke and I introduced legislation establishing the National Academy of Peace in 1976, it has been my privilege to become acquainted with a number of committed individuals around this country. Perhaps one of the most visionary and dedicated advocates of not only this idea but also the pursuit of peace around the globe was Mike Mapes.

Mr. President, as 9 years of work finally brings the supporters of the Peace Academy to the Senate floor, my enthusiasm is tempered by sadness. Mike Mapes, the director of the National Peace Academy Campaign, died of leukemia 2 weeks ago. Mike brought a personal face to this fight, a strength and vision to the crusade.

If the potential of the Peace Academy can be realized, perhaps we will succeed in making the world about which Mike cared so very much a little better.

Mr. BINGAMAN. Mr. President, I rise to lend my support to the amendment sponsored by my distinguished colleagues from Hawaii, West Virginia, and Oregon establishing a U.S. Peace Academy. Well over a majority of this body is listed in cosponsorship, and I am pleased to be part of this majority.

The level of funding for this institution is minuscule: It comes to less than one thirty-thousandths of the Defense authorization level of funding. This is hardly a budget buster. Having spent so much of our resources to deter war by the threat of retaliation, is it not a good idea to spend just a small amount

on investigating peaceful means of conflict resolution?

While some institutes of higher learning already do have small efforts in the area of peaceful conflict resolution, it is, I feel, desirable to broaden the field on a national level and to establish a clear Federal commitment to serious scholarly effort in the area of peaceful conflict resolution. While certainly the Peace Academy will not solve all military and strategic problems, it is clear that a small effort in this direction is justified, if only on the chance that some solutions may possibly be developed and studied which would have the potential of saving billions of dollars, not to mention an untold number of lives. For our world is full of conflicts today needing new approaches to negotiation.

It is noteworthy that my distinguished colleague from West Virginia has spent nearly four decades over his long and illustrious career in an effort to develop such an institution. I can think of no more fitting tribute to him, in the closing months of his many years of service in this body, than the passage of this amendment and the establishment, at long last, of the object of his labors.

Mr. President, the human race has studied war for millennia. We have, as a species, made a practice of sparing no effort to develop more and more sophisticated means of delivering death and destruction, and of trying to defend against these sophisticated means. I have not noticed that conflicts are generally being resolved in more rational or less violent manners as a result of this massive, long-term and nearly universal striving of humankind. From bows and arrows to the most sophisticated ballistic missiles, the strategy has been the same: To gain a clear technical advantage over the other side in techniques of waging war. Can anyone argue that the world is safer today than 5, than 50, than 500 years ago as a result of all this work, much of it brilliant, deriving from the most ingenious labors of some of the brightest members of our species?

My point is perhaps it is time to try another tack. Not that we can afford to stop our military efforts, of course. One side or one nation cannot do that unilaterally. But it cannot be seriously argued that, after we have failed to achieve security through the study of war, we should not devote less than 1 percent of 1 percent of our military budget to study peaceful conflict resolution. At the worst, we shall certainly not be in any worse position for having expended this tiny effort. And at the best, we might just possibly, for that tiny expenditure, discover something about the human being, about the human psyche, about modern nation states, in all their varieties,

which would make war less likely; which could provide nonviolent avenues of solution to disputes on all levels.

In other areas of endeavor, the current administration admits to a role for Government in research when the potential payoff is high, although the likelihood of success may not be. A Peace Academy, under Federal Government auspices, seems to me to fit such criteria for Federal support, even if one is pessimistic about the possibility of success. I can see no reason not to support this proposal strongly. Its time has certainly come, and I give it my most sincere support.

Mr. PELL. Mr. President, as a cosponsor of the legislation to establish the U.S. Academy of Peace, I strongly support this amendment.

Today, we are in an era of international turmoil. Tensions between the United States and the Soviet Union are at a high point and dialog, particularly in the all-important area of arms control, has broken down.

The two superpowers are on a collision course which, if not reversed, could lead to nuclear war.

Conflicts in El Salvador and Nicaragua threaten to engulf the entire Central American region, and in the Middle East, the war between Iraq and Iran is a tinder box which could explode at any moment.

Under these circumstances, there is no question that the need for a peace academy is great.

The primary purpose of the academy is to enhance current research and training in the fields of conflict resolution, diplomacy, international affairs and peace studies.

The Academy will have the authority not only to engage in its own research and training but also to make grants to existing institutions to carry out programs in these areas.

Thus, the Peace Academy will not be a substitute or a duplication of existing efforts but rather a much-needed complement.

The cost of the Academy is small—only 5 cents per American.

At a time when we are spending billions of dollars every year on weapons of destruction, surely we can afford to spend a few million annually on peace and conflict resolution.

The Peace Academy will be a symbol of the American commitment to peace and an affirmation of our intention to do all that we can to turn swords into plowshares.

I urge my colleagues to vote for its creation.

Mr. KENNEDY. Mr. President, I rise in support of this very important amendment to establish the U.S. Academy of Peace. Before I go on, I must commend my good friend Senator RANDOLPH for his long and unyielding dedication to the cause of peace as embodied in this bill. I also commend

Senator MATSUNAGA for his leadership in this area—both as chairman of the Commission on proposals for the National Academy of Peace and Conflict Resolution and as a sponsor of this legislation. As well, I thank Senator HATFIELD and Senator STAFFORD for their hard work in bringing this amendment before the Senate.

We know that peace is not simply the absence of war. It possesses a positive side that must be valued, preserved and promoted in every way. The Peace Academy stands for that positive side. Its creation will certainly advance the cause of peace.

All of us, I hope, recognize the need for peace in this conflict-torn world of ours. All we need to do is read the morning paper or watch the evening news to be reminded about the wars—in the Middle East, in El Salvador, Nicaragua, in Afghanistan, and so many other countries, and the near wars that blaze around the world.

An Academy of Peace will not end those wars and conflicts because these conflicts have no simple answers. But the dead and maimed in so many countries should remind us all of the horror of war. And it should emphasize the need to resolve our conflicts and problems, in a peaceful manner. In that quest for a peaceful resolution, the Peace Academy can play a very important role.

I know some of my colleagues may wonder about spending \$23.5 million on creating an Academy for Peace in this time of economic difficulties and budget restrictions. What the Peace Academy offers this Nation is not an extravagant expense but, rather, an absolute bargain. The President asks to spend over \$1 trillion on national defense to protect our national security. We have and will continue to provide billions of dollars for military security to our allies around the world. How much more security will the promotion of peace provide to ourselves and to our children? And in a budget of hundreds of billions of dollars, how extravagant is \$23.5 million?

For those who ask: How can we afford to spend this money on a Peace Academy? I respond: How can we justify economizing on the pursuit of peace? We live in a world of heightened tensions—where a misstep in international relations could mean the end. We, quite simply, have no choice but to pursue peace with all our resources. To say that we cannot afford an Academy of Peace in such a world as this is not only shortsighted, but, in the end, dangerous. A price tag cannot be placed on peace—because the price of war is always too high.

For too long, we have expended untold billions on weapons of war and in training the next generation to wage war. It is time for us to invest in conflict resolution through peaceful means. It is time to invest in building

mechanisms for peace and training our youth to promote and preserve peace. This country has always stood for peace. The establishment of an Academy of Peace continues our historic dedication to this quest.

I urge my colleagues to support this valuable amendment and to reject any alternatives.

Mr. BOSCHWITZ. Mr. President, I am happy to join with my colleagues to cosponsor and vote for the establishment of a National Academy of Peace. It is, I'm afraid, a sad commentary on our national priorities that we have been so slow in approving this legislation, which now comes before us in the form of an amendment rather than as a freestanding bill. The Senator from Georgia referred earlier this week to the fact that, between the budget, authorization, and appropriation debates we engage in for defense, there seems to be little time left over for matters of this sort. And this idea, which the senior Senator from West Virginia has championed so faithfully, ought to receive more than leftover time on our calendar. This is a measure that should capture both the imagination and the enthusiasm of all who hope for peace. I certainly hope that all the Members of this body fall into that category. I'm sure they do, despite the lengthy wait which this idea has endured.

But that idea's time has now come, Mr. President. I sense among our people a heightened awareness of the perils our international system presents, and with it has come the hope of new developments in the field of peace studies which will reduce the threats with which our peace is faced. Peace is not a common commodity. Indeed, if we look at human history, it appears to be rather rare. If we hope to find it, we have to expect that research, study, and plain hard work will be necessary. The Academy of Peace will help provide a focal point for that sort of hard work. In conjunction with other private and public centers around the country, I expect to see the National Academy of Peace perform a vital role in our Nation's search for the elusive idea of peace. While I don't expect miracles, I do think that this effort will quickly repay the relatively small cost which this amendment represents. By attracting some of our Nation's best men and women, by putting them in touch with each other, and by putting high officials of our Government in touch with them, we begin to erect the structure which can in time become a monument to human progress.

Mr. President, I don't think anyone will object if I offer a personal note at this point. While it may be argued that war can never be completely eliminated, I think we would all agree that many of the wars man has en-

gaged in were preventable. I left Germany in the years leading up to one of the worst wars this planet has endured. The true tragedy is that it was probably also one of the most preventable. I hope that all the members of this Academy will set as their immediate goal the elucidation of the most basic principles of peace, so that such preventable wars, at least, are rendered less likely by virtue of the positive action which I hope the Senate will take here today.

Mr. DECONCINI. Mr. President, the call of the majority leader and Foreign Relations Committee chairman last week for regular, annual summit meetings with the Soviet Union received widespread national press coverage, indicating the high degree of public interest in seeing the current impasse in East-West talks broken. Although the White House response has at best been lukewarm to this idea—fearing that such a summit would lead to false expectations and disappointment—it would seem to me that now is the time to move ahead in this direction. And the Peace Academy, which we debate here tonight, could be the first step in a process of moves to get the East-West talks back on track.

For those in the White House who are worried about diplomatic failure, the Peace Academy would be the perfect starting point since its major goal is to upgrade our knowledge and application of dispute management and negotiation techniques.

Gleaning lessons from past diplomatic successes and failures, systematically developing a documents archive in the fields of dispute settlement and peace studies, and giving training to public servants and private sector employees would all be functions of the Peace Academy. This information and these skills would be of tremendous use in summit meetings, not just with the Soviets but in talks around the world.

Although much of our attention during this Defense authorization debate has been focused on the context in which we must be prepared to respond militarily, it is important to affirm that diplomatic solutions should also be sought and are, in most instances, preferable. I urge my colleagues to join me in support for the U.S. Academy of Peace amendment.

[The following proceedings occurred after midnight:]

Mr. EAST addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. Mr. President, I regret that I must take up such a substantive matter at such a late hour. I will make this as concise as I possibly can because I am about as weary of spirit and body as anybody in this Chamber with what we have been grinding through in the past 10 days.

Senator GOLDWATER pointed out the other night, properly, that we have been faced with more amendments that have nothing to do with the Department of Defense authorization bill than any bill I can think of. This one does not belong in the Department of Defense authorization bill. It came through the Labor Committee, we considered it there, and it ought to be on a Labor Committee bill.

But I guess the feeling is this is not a deliberative body any more. You finally get worn down physically and you finally say, "Let it go. For God's sake, let us get out of here."

But this is a bad idea. I respect the Senator from West Virginia and the Senator from Hawaii. I wish this had not come up on DOD, it has nothing to do with DOD, but that is not of my making. Here it is midnight and we are discussing something as important as this is. I apologize for imposing upon my colleagues, but it has worked out this way not by my design but simply by the way the institution works.

So if I might, I will tell you what I think is defective about it.

First of all, in a period of budgetary restraint, which we all admit we are under, I do not know how you will justify it. You will note so far the proponents have not mentioned dollar figures.

The first year it will cost around \$23.5 million to get started, and then \$10 million every year thereafter, at least. And, like every Federal agency or bureaucracy, it will grow and expand. You know how that goes.

Budgetarywise, it is a matter of priority spending in a period of the need for retrenchment. I do not see how you can put this high on a budgetary priority list.

The OMB is opposed to it. The State Department has indicated we do not need it. The Department of Education has indicated we do not need it. But, yet, I know it is going to be voted through tonight, I regret it.

Budgetarywise, I think, with all due respect to the old politics Senator HART has referred to, this is old vintage—and I do not mean this in a harsh way—typical New Deal politics of 40 years ago. That is why Senator HART has been saying we need to be a country of new ideas.

I never thought at 12 o'clock at night I would be quoting the distinguished Senator from Colorado in making my point.

What I am saying is it works this way: Somebody says—and this has been the rationale, has it not? "We have war academies, we have Annapolis, West Point, and the Air Force Academy in Colorado. Therefore, would it not be wonderful to have a Peace Academy?"

"Why, of course, it would be."

What do you do? Well, you just start a new Federal program. Those are the old politics.

Mr. STAFFORD. Would the Senator yield so I may ask a quick question to get one figure straight?

Mr. EAST. If I am incorrect on my figures, I got these figures from the distinguished Senator from Vermont. I would be willing to yield briefly for the purpose of allowing him to clarify a figure.

Mr. STAFFORD. I want to advise the distinguished Senator that the \$23.5 million really covers 2 years: \$7.5 million to capitalize the program, \$6 million for the first year, and \$10 million for the second year.

Mr. EAST. I thank the Senator for clarifying that point, but again, it is the old problem, as Everett Dirksen said: "a million here and a million there, a million here and a million there"—you have heard that old refrain.

You are starting another Federal agency bureau and you are doing it here at 10 after midnight. And you are doing it on one simplistic rationale: we have a war academy; therefore, gentlemen, ought we not to have a Peace Academy? And it has great sex appeal. But budgetwise, I do not see how you justify it.

Let me turn finally, because I wish to be precise. People, again, are weary. Let me turn to the academic soundness of it because I came from a background of higher education before I was elected to the Senate. Not that that makes me an expert on all the implications of the Peace Academy, but I think it gives me a slight expertise, and I would like to avail myself of it if I may.

First, the subject we are talking about is conflict resolution. That is the way they put it in the behavioral sciences and the social sciences and the humanities: conflict resolution.

Is this not already covered in higher education in America today? Is it not covered, for example, in the public sector? It is. The current academies at West Point, and Annapolis, and in Colorado already offer subjects on conflict resolution. And there is an infinite variety of private institutions in this country offering B.A. degrees as well as M.A. and Ph.D. degrees. I have an M.A. and a Ph.D. degree in political science in addition to a law degree and I can tell my colleagues, these things are already dealt with in undergraduate programs and graduate programs in good liberal arts institutions. It is redundant. Academically, it is redundant, and therefore, budgetwise, it is wholly unwarranted.

It is a legitimate issue to raise as part of a broader liberal arts curriculum in the social sciences, the behavioral sciences, and the humanities.

I was a teacher of political science and frankly, more specifically, of political philosophy. Let me ask this question: Why, in terms of concepts, would you single out this one for special Federal funding? For example, Plato, in "The Republic," said justice was the ultimate concept we sought, the well-ordered commonwealth. Then he examined the concept of justice and what it would mean and how you would achieve it. Why not, then—I suppose I could get people to vote \$23 million for that if I could get it through the Labor Committee—have a justice academy, because everybody is for justice in the world, are they not? Of course they are. Or John Stuart Mill, in this classic work on liberty, would say what you need is a liberty or freedom academy. Is not everybody for liberty or freedom? Of course they are.

So let us establish a liberty and freedom academy.

Thomas Hobbes, the very famous English political theorist, said the ultimate concept in politics is order and security. That is important, too, as a whole composite of the well-ordered commonwealth that Plato talked about. So I propose that we might wish to have an academy dedicated to order and security. Why not? I makes just as much sense as singling out peace or justice or freedom. Machiavelli, in his classic work, said the ultimate concept in politics is power and the pursuit of it. Why not a power academy?

I do not mean to be facetious or to make light of it, but my colleagues see my point. Why peace? Why peace? You are not talking about peace, you are talking about conflict resolution. And it is already covered in higher education in America today in the public and in the private sector.

If you want special projects on it, for example, you could get those through the National Endowment for the Humanities, which we already fund. Again, academically, it is unwarranted and budgetwise it is wholly unjustified.

I simply leave my colleagues with that thought, that I do not see how the U.S. Senate or the U.S. Congress, from either perspective, in a period of budgetary restraint, can spend this kind of money at this late hour on something that has nothing to do with the Department of Defense authorization. I shall say again, 1980 was the last year I taught in the academic community. I do not see how you justify it academically. It is simply a bad idea.

I respect the Senators who proposed it, but I intend to vote "nay" on it, and I urge my colleagues to do likewise. It is ill-conceived but well-intentioned.

I yield the floor, Mr. President.

Mr. DENTON. Mr. President, I am reluctant to take the time of this body when we are engaged in consideration

of a matter as important as the bill before us, and I fully understand the concerns of the majority leader and the floor managers for its speedy disposition. It is unfortunate, in my view, that we must consider in detail an amendment that is so nongermane to the bill, as well as highly controversial. Nonetheless, the matter raised by my distinguished friend from Oregon [Mr. HATFIELD] and his colleagues is one that we cannot deal with hastily or under the impression that it is really minor.

The substance is weighty, and I do not believe that the Congress can ever consider lightly the establishment of a new agency of the Federal Government.

Mr. President, I yield to no one in my admiration, respect, and affection for our senior Senator from West Virginia, my friend and colleague [Mr. RANDOLPH]. He knows that I have debated with him on this subject from honor, as he has. We have made pledges to one another which we have kept. I have not procedurally interfered with the progress of his bill.

I yield to no one in my respect for the Senator from Hawaii [Mr. MATSUNAGA], with whom I have had hours of debate and discussion. This Senator also has the highest regard for the Senator from Oregon [Mr. HATFIELD].

I must try to establish beyond any doubt that no one here yearns for peace more than I. Nor do I doubt that all the Members of the House and the Senate who have served in combat also yearn especially deeply for peace.

In that regard, I especially respect and acknowledge the record of Senator MATSUNAGA, and I need not remind him of a bill which was not at all popular in my State, but on which I recognized his contribution and some correlated contributions by Japanese-Americans, or Americans who were formerly Japanese, in those days.

Mr. President, I question not the end sought by these gentlemen, but the means. The means tend to reinforce what I consider to be a false thesis abroad today. There is war, declared or undeclared, in Ireland, Afghanistan, Southeast Asia, Central America, and other places in the world. There is prospect for more wars. There is the possibility of nuclear war. And the thesis runs that the reason for this situation and these prospects is a lack of support or love for, or understanding of, peace and the means by which peace can be achieved on the part of the United States or on the part of its Chief Executives as they have proceeded through the decades since, say, 1965.

I believe the cause of war lies not in that thesis but partly in the worst part of human nature, partly in the weakness of some nations who were the objects of the greed on the part of other nations which choose to use war, as

Hitler did, to take advantage of others' weakness to satisfy their greed.

I believe that today the biggest cause of war is not that which the thesis maintains. Today the biggest cause of war and the threat of war is the expansionist, calculated, unscrupulous policy of the U.S.S.R. I believe that it is weakness of understanding on the part of too many in this and the other legislative body, weakness in understanding on the part of too many in the media as to the causes of war and the means to avoid it while preserving our own vital interests. And I pray that those interests remain valid as they had been, in the sense of morality and justice.

This weakness of understanding includes a tendency today to see the United States and the U.S.S.R. as two very similar superior powers. The Washington Post recently had a cartoon in which two identical arms with identical sleeves, except for a hammer and sickle insignia on the one and the stars and stripes on the other, were pushing nuclear weapons toward one another. What an absurd and unjust postulation.

The thesis today extends to a possibly sincere belief, certainly a widely promulgated view, that it is President Ronald Reagan who is the problem; he is a warmonger; he is antagonizing the Soviets by using unpleasant language about them.

I have lived among Communists, and I can assure you that they do not respond one way or another to a nation that uses pleasant or unpleasant language toward them. They respond with the kind of answer that would be given to Stalin's question about the many Roman Catholics in the world. It was suggested to him that they were a threat to his expansion, and he said, "How many divisions does the Pope have?"

I consider that this trend, this rationale, this thesis, is folly, and I truly fear that, if it continues to grow, it will become fatal folly. I believe the motives behind the establishment of the Peace Academy are good. I believe the contrary regarding the timeliness; 30 years ago, 40 years ago, I would have gone for it.

Today, this thesis alters our attitudes toward aid to Central America which, if not prompt and sufficient enough, thereby preserving the freedoms of people who deserve to have those freedoms preserved, means that we can find ourselves expensively contributing not only economically but possibly in terms of blood, our blood. Will we fight on the Rio Grande, or will we respect the need to hold out against the truly real Moscow-Havana-Managua line of exporting communism to the people of El Salvador?

I cannot understand the popularity of that thesis here when in my State it

is almost unheld by anyone. I have not, in going around the United States, found it so prevalent as I find it in these two bodies of Congress.

Thus, I believe that a vote to establish the Peace Academy in this time, in this era of false thinking which affects policy, which affects commitments, which resulted in the copping out on the word of four Presidents in Southeast Asia—and I place that blame principally on Congress. We had won that war. They pled with me eye to eye, "Will you go back and plead with President Nixon to come through with the development of the Mekong Delta?" They thought we were through because we had shown how to protect our interests. We applied force to break their will by legitimate bombings of strategic targets, according to the Geneva Convention. We sacrificed thousands of American lives, including hundreds of aviators, too many of whom were my friends, and thousands of men who fought on the ground in the South. I believe that a vote to establish a Peace Academy will further that kind of folly. I would vote for a Peace Academy jointly held with the U.S.S.R., or for separate Peace Academies with participation on the part of each nation in the other's academy, the way we have with our allies in our so-called war colleges.

I have been to a number of those war colleges. I can assure Senators that they are misnamed. I stood with a man, now very ill with cancer, who was then president of the then called National War College during a cold rain, when President Nixon was about up to his hips in Watergate, and we were having to wait because he was caught in a traffic jam. The Marines were standing out there at attention in the freezing rain, and the rain was freezing on our coats. Adm. Marmaduke Bayne turned to me and said, "What am I going to say? They hate us." It is in 1974 or 1975. "They hate us. They think that this college breeds war. They are beginning to hate this President. They are blaming the war on him. What can we say today?"

I said, "Duke, point up to the name and say it's a misnomer. This isn't a war college. It's a peace college." He did that in his speech, his introduction, to the President and to all of us.

That was my critique of the Naval War College. I am for peace, but if you are going to a war college you want to learn how to fight war. We went there, to the Naval War College, and learned how to become Secretaries of State. We studied about the League of Nations and other international organizations. And I deplore the fact that we did not enter the League of Nations because of three Republican Senators from the Midwest, LaFollette, Borah, and Lodge, who decided that we had to be isolationist; we could not get into it.

I deplore, as a man who has studied conflict resolution, that if we had had a more informed policy toward Cuba, we would never have had Castro. I deplore that if we had had for a century a better policy toward Central America, we would not have the conditions there that we do have. But those conditions will not change in a day. The conditions will not be changed by the unrealistic land reform methods which we imposed and have since reneged on in reality. They cannot be imposed that fast and in that manner, nor can they be imposed by unilateral U.S. imposition of its point of view upon the people in those countries. It is going to be gradual, and in the meantime we have to defend them against an unspeakably worse and infinitely opposite philosophy than that which they believe.

They at least believe in God. The issue today is between those who, from Abraham on down, believe in God. If you read Alger Hiss and Whittaker Chambers—I thought I knew about communism in Vietnam, and I know plenty about it. But when somebody gave me that book, "The Witness," and I saw the differences between those who believe in God and those who think man can do it all, I learned something.

That is what the solution to our problems in NATO is, and our solution with respect to the Mideast. We can work that out if we will approach them that way. We have to respect their differences. We have to respect the differences down there in Latin America.

Mr. TOWER. Will the Senator from Alabama yield?

Mr. DENTON. I will conclude very briefly, I assure the Senator. I cannot in conscience, having argued this for hours in the House, having three Congressmen, all Democrats, come to me and say, "You won; we are never going to bring it up," not talk for 20 or 25 minutes in this body on such an important matter.

I regret that in fact, in political fact, there is an almost irresistible magnetism to the hope that such an institution would train individuals to wage peace, just as service academies and war colleges, it is thought, train individuals to wage war. But I believe that the concept is flawed, contributory toward a possibly fatal thesis and rationale, that it would do little good, that it would have negative consequences.

The fact of the matter is that the proposal can and must be faulted in three very pragmatic respects: the attitude of the executive branch; the additional costs the Academy would create for the budget; and the failure to consider fully, or even adequately, the capabilities and views of our existing educational institutions that deal

with international affairs, with the questions of war and peace.

Mr. President, the Office of Management and Budget opposes the proposal because of the additional costs it would impose. Mr. Stockman has been accused of a lot of things but not of being a warmonger. The Department of State and the department of education have stated their opposition to the Senate bill in the strongest possible terms, and have expressed the considered views that the goals would be better achieved at less cost by encouraging existing capabilities in our education system. The President has been on record since 1981 as opposing the proposal.

The costs of the proposal, as set forth in S. 564, would be \$13.5 million in fiscal year 1985, of which \$7.5 million would be allocated for acquisition of physical facilities, and \$10 million in fiscal year 1986. The Commission's report suggests that the operating costs would escalate very rapidly in succeeding years.

Although that may not seem like much money to us, the way that we tend to pass it out, it may indeed be a great deal to our constituents and to our educational institutions. The \$23.5 million, for example, is more than we are spending under title VI of the Higher Education Act to support foreign language and area training in 90 centers at institutions of higher education throughout the country. We consider the proposal at a time when Members of both sides of the aisle have argued strenuously about the need for budget restraint, have criticized waste and inefficiency, have opposed programs far more sound in concept and more promising in execution.

We are now asked to approve the creation of a new Government agency. I ask my colleagues to pay attention to that, because that is what we are talking about. How else can one describe an institution that has a board appointed by the President and Congress, that is funded by congressional appropriation and only by congressional appropriation? We know that such agencies acquire a life and dynamic of their own that bears no relationship to the merit of their efforts, and that their financial costs to the taxpayer tend to be greater than projected, not less, as time goes by.

Finally, I fear that the proposal does not adequately consider the capabilities and views of our existing education institutions that deal with international affairs, with the questions of war and peace. The proposal implies, and many of its private supporters maintain, that peace is not a subject taught at our military academies; at our State colleges and universities; at our private institutions of undergraduate and graduate education; in connection with our ROCT programs; or in

any form at all. Nothing could be further from the truth.

The fact of the matter is that the establishment of a United States Academy of Peace would be, in educational terms, a symbolic act, for the structure it seeks to erect for peace studies already exists in universities, foundations, our service academies, the so-called war colleges, the National Defense University, and the professional schools of international affairs.

From all over the world, students come to study at our colleges, universities, and graduate schools of all kinds. They come particularly to our private institutions that provide training in international affairs, conflict resolution, area studies, and all the other disciplines that apply to the relations among States and peoples. They come because our institutions are the best in the world at providing that kind of education.

Mr. President, I believe that we would further the prospects of peace and better develop the capacity of our education system to address the issues of war and peace for the largest number of our young people if we devoted our scarce Federal dollars to the strengthening of programs of peace studies already well developed and thriving in healthy, creative, dynamic, already existing institutions.

I hope the Members of the Senate will read, themselves, the materials that pertain to consideration of the proposed United States Academy of Peace. When they read those materials, they will find, as I have, that the emperor has no clothes.

Whatever may have been the genesis of the idea, however commendable the goal, even after laborious and exhaustive study by the commission established for the purpose, what the Senate bill and the amendment would do is simply to create, at great cost, a new Government agency with no clear program and no clear mandate, to conduct undefined activities in an area already dealt with extensively and effectively by private institutions and by the appropriate agencies of the Federal Government.

Some people argue that the Academy would become the center and base for an internationally recognized group of conciliators and mediators who could have stopped, for example, the Falkland Island crisis short of hostilities. I find this a charming notion, but charming only in its naivete, and it is in any case precluded by the commission's report and the legislation as drafted. Over the years, we have had many private and unofficial Secretaries of State and Departments of State, few of whom have been able to resolve disputes or contribute much to the national interest.

Moreover, I fear that those in other countries would justifiably view an Academy of Peace, constituted as the

Peace Academy proposal provides and lavishly supported with Federal dollars, as nothing more than an instrumentality of the American Government, whatever it might in fact be. For example, I know of few who believe that the World Peace Council is an autonomous body rather than a wholly owned subsidiary of the Soviet propaganda apparatus. We would gain little, and lose much, by creating an analogue.

Some argue that the U.S. spends billions on its defense establishment but spends nothing on a "peace establishment." That argument simply not credible, as our debates during the past 2 weeks have clearly shown. Peace is the mission of the Department of State and the Arms Control and Disarmament Agency and the Agency for International Development and a host of other civilian agencies. It is, moreover, as most of us are surely aware, the mission of the Department of Defense and our military services.

However commendable the goal, however articulate the rhetoric, however impressive the commitment, the creation of a new Federal agency called the U.S. Academy of Peace will gain us little. Many in this country and abroad would see it as hypocritical and propagandistic; others could hardly consider as impartial or objective an institution lavishly funded by the U.S. Government and bearing the official title U.S. Academy of Peace.

I hope that my colleagues in the Senate will reject the proposal now before us for the establishment of a U.S. Academy of Peace, without at the same time rejecting the commendable goals that motivate those in the Congress and among our citizenry who support it. We can provide leadership in finding better, more effective, more lasting, ways to achieve those goals.

I think we should have more in mind than a subjective love for peace, or even than an extremely well-justified love for the Senator from West Virginia. I believe that this is an important matter of state which should be considered on that basis.

However commendable the goal of my colleagues who have brought this forth, I must express reservations. I believe there have been improvements made in the proposal, particularly those recommended by the Senator from New Hampshire. I believe that further improvements could be made in it.

I am most concerned about the administration of it. I believe that it probably will be adopted by the Senate, because not many are listening to me tonight, though perhaps I am wrong.

I will not bring forth a series of other arguments. I was going to offer a substitute, but I will not do so. I believe that the time of the Senate is better devoted to the effort to assure

our national security by passing a good defense authorization bill.

Mr. President, I ask unanimous consent that the following letters be printed at this point in the RECORD:

A letter dated November 23, 1981, from President Reagan to Senator MATSUNAGA, in which the President expresses his inability to support the Peace Academy proposal; three letters from Secretary of Education Bell, dated May 12, 1982, April 13, 1983, and June 14, 1984; three letters from Powell A. Moore, Assistant Secretary of State, dated May 2, 1982, May 11, 1982, and May 24, 1983; a letter from Kenneth L. Adelman, Director of the Arms Control and Disarmament Agency, dated May 31, 1983; and two letters from David A. Stockman, Director of the Office of Management and Budget, dated May 12, 1982, and May 23, 1983.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,

Washington, DC, November 23, 1981.

Hon. SPARK M. MATSUNAGA,
U.S. Senate,
Washington, DC.

DEAR SENATOR MATSUNAGA: Thank you very much for forwarding to me the Report of the Commission on Proposals for the National Academy of Peace and Conflict Resolution. You and your fellow commissioners have clearly invested much time, energy and thought in the preparation of the Report; I commend your efforts.

With regard to the Commission's recommendations, I regret to say that we are unable to support the establishment of a National Academy of the sort proposed. In a time of severe budget stringencies, I find it difficult to justify the expenditure of some \$66 million in federal funds over the next several years for research, educational and informational activities in an area where much work is already being done by private universities, institutes and foundations.

I want you to know, however, how deeply I share your hope, and that of all the Commissioners, that we can advance the cause of peace. My address of a few days ago should have made that clear. That, precisely that, is the reason why I am determined to restore our country's economic strength, military capability, and moral fibre. For in the final analysis, a strong America is still the world's best hope for peace.

Our work for a more peaceful world can succeed only if we labor together, despite party lines and disagreements on other issues. I hope I can count on your help in this most vital endeavor.

With best wishes,
Sincerely,

RONALD REAGAN.

THE SECRETARY,

Washington, DC, May 12, 1982.

Hon. JEREMIAH DENTON,
U.S. Senate,
Washington, DC.

DEAR JEREMIAH: Thank you for your letter of April 30 regarding your substitute bill to amend S. 1889, which would establish a United States Academy of Peace. I understand that your bill would amend Title VI of the Higher Education Act of 1965 to author-

ize support of institution-based centers, dedicated to the provision of research and training in the disciplines of international affairs. A special provision of the bill would also authorize fellowships for the study of peace-and-conflict resolution.

As you correctly noted in your statement before the Subcommittee on Education, Arts, and Humanities, every member of the Executive Branch is committed to, and works for, peace. However, we do not believe that the establishment of a new Federally funded Academy of Peace, as proposed in S. 1889, is a proper approach to the study of conflict resolution and the promotion of peace and security.

We would prefer that the important goals of supporting research and training in international affairs be addressed through the existing framework of programs authorized under Title VI of the Higher Education Act, as your amendment proposes, and we support your efforts to amend S. 1889 to clarify that Title VI funds may be used for such purposes.

Thank you again for giving me the opportunity to review and comment on your proposal. The Office of Management and Budget advises that there is no objection to the submission of this report.

T.H. BELL.

THE SECRETARY,
Washington, DC, April 13, 1983.

HON. ROBERT T. STAFFORD,
Chairman, Subcommittee on Education,
Arts, and Humanities, Committee on
Labor and Human Resources, Washing-
ton, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter requesting my comments on S. 564, a bill to establish a United States Academy of Peace. Specifically, you have asked me to comment on the need for a Federal institution designed to offer graduate and postgraduate programs, research opportunities, and information services in peace studies and conflict resolution.

Mr. Chairman, while I share the Committee's concerns about the importance of promoting peaceful resolution of international conflict, I continue to believe that creating an independent, federally-funded Academy of Peace is not the most appropriate or cost-effective way to encourage international understanding and to foster the study of conflict resolution.

As this Administration has stated previously and most recently reiterated by Stephen Low, Director of the Service Institute, Department of State before the Senate Subcommittee on Education, Arts, and Humanities on March 16, 1983, "In a time of severe budget stringencies . . . it [is] difficult to justify the expenditure of . . . federal funds over the next several years for much work is already being done by private universities, institutes and foundations."

Therefore, Mr. Chairman, I must continue to oppose the creation of an unnecessary governmental entity which would duplicate activities and research already conducted by private organizations and institutions of higher education.

I am advised by the Office of Management and Budget that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

T.H. BELL.

U.S. DEPARTMENT OF EDUCATION,
Washington, DC, June 14, 1984.

HON. JEREMIAH DENTON,
United States Senate,
Washington, DC.

DEAR SENATOR DENTON: I understand that the provisions of S. 564, a bill to establish a United States Academy of Peace, may be offered as an amendment to the Department of Defense authorization.

As stated in our letter of April 13, 1983, the Department of Education shares congressional concerns about the importance of promoting peaceful resolution of international conflict, but continues to believe that creating an independent, federally-funded Academy of Peace is not the most appropriate or cost-effective way to encourage international understanding and to foster the study of conflict resolution.

As this Administration has stated previously, in this time of severe budget constraints, it would be difficult indeed to justify this expenditure of federal funds for research, educational and informational activities when much of this same work is already being done by private universities, institutes and foundations.

Therefore, I must continue to oppose the creation of an unnecessary governmental entity which would duplicate activities and research already being conducted by private organizations and institutions of higher education.

I am advised by the Office of Management and Budget that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

T.H. BELL.

DEPARTMENT OF STATE,
Washington, DC, May 24, 1982.

HON. JEREMIAH DENTON,
U.S. Senate, Washington, DC.

DEAR SENATOR DENTON: I thank you for your letter of April 30 and its enclosed material. The Administration's position on S. 1889 has been transmitted to Chairman Hatch, and I have already sent a copy to you.

I have also read your April 28 statement in the Subcommittee markup, and, as my letter to Chairman Hatch indicates, I agree with you that studies concerning peace are best carried out by our existing educational institutions. I also point out that while we do recognize a need for better sharing of research results and better coordination among existing programs, these results and an increase in the volume of such work could be achieved without incurring the cost contemplated to fund the proposed Peace Academy.

As you know, we also have an Administration position on your proposed "Centers and Fellowships for Peace and Conflict Resolution Act," which you intend to substitute for S. 1889 and to offer as an amendment to the Higher Education Act of 1965. The Administration strongly supports your efforts to amend S. 1889 to reinforce the traditional role of programs under Title VI of the Higher Education Act as the primary source of governmental assistance to studies in the area of international peace and understanding.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this report.

With cordial regards,
Sincerely,

POWELL A. MOORE,
Assistant Secretary for
Congressional Relations.

DEPARTMENT OF STATE,
Washington, DC, May 11, 1982.

HON. ORRIN G. HATCH,
Chairman,

Committee on Labor and Human Resources,
Washington, DC.

DEAR MR. CHAIRMAN: This letter is to present the Department of State's comments on S. 1889, a bill which would establish a United States Academy of Peace.

The Department supports the development of peace research and conflict resolution. Indeed, the Department encourages the work of private institutions, foundations, universities, international and non-governmental organizations active in this field. The results of such research are brought to the attention of, and used by, foreign policy practitioners. In fact, conflict resolution theories and techniques are incorporated in courses offered by the Department of State's Foreign Service Institute.

The Department, however, does not support the passage of S. 1889, inasmuch as it would create a new quasi-governmental institution and bureaucracy complete with "buildings and grounds", to perform a function which is already being handled by the private sector. Although it might be helpful if university programs or private "think tanks" were to address the issue of peace negotiation and conflict resolution, we do not believe that it is necessary for the Federal government to establish an academy such as that proposed.

The Department fully recognizes that a better sharing of research results and better coordination among existing programs would be desirable. Both these results and an increase in the volume of such work could be achieved through a judicious use of only a small portion of the funding contemplated to initially fund the proposed Peace Academy. Continued encouragement of a variety of organizations can produce these results and keep policymakers abreast of the latest in conflict resolution theory and practice without the construction of a bricks-and-mortar institution.

One of the prime strengths of current research in this area is the wide variety of approaches and proposed solutions. The research community's ability to educate is so effective and fertile because it reflects the diversity of the American character. As Mr. Carleton Coon, former Deputy Director of the Foreign Service Institute, testified before the Subcommittee on International Operations, Committee on International Relations (January 25, 1978): "It is such an enormously wide and varied field and there is so much room for creative thinking and innovation that we feel that this creativity and innovation is better expressed in a thousand different universities and institutions across the range of our country than in one centrally funded, essentially bureaucratic institute."

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this report.

With cordial regards,
Sincerely yours,

POWELL A. MOORE,
Assistant Secretary
for Congressional Relations.

U.S. DEPARTMENT OF STATE,
Washington, DC, May 24, 1983.

Hon. JEREMIAH A. DENTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR DENTON: Thank you for the opportunity to comment on your proposed amendment entitled "Peace, Arms Control, and Conflict Resolution Act," which, I understand, you intend to offer as a substitute to S. 564, a bill to establish the United States Academy of Peace. The Department of State opposes S. 564. As the Department has previously indicated, and, as the Director of the OMB wrote to you last year, we believe that the private sector has done a commendable job of promoting the study of negotiations, mediation arbitration, and conflict resolution. Establishing a new governmental entity such as the United States Academy of Peace to pursue such work is therefore unnecessary.

For the same reasons outlined in previous Administration correspondence with you, the Department of State is pleased to support your alternative legislative proposal which will reinforce the traditional role of programs under Title VI of the Higher Education Act and will make it a primary source of governmental assistance to studies in the area of international peace and understanding.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this report.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Legislative and
Intergovernmental Affairs.

U.S. ARMS CONTROL AND
DISARMAMENT AGENCY,
Washington, DC, May 31, 1983.

Hon. ORRIN G. HATCH,
Chairman,
Committee on Labor and Human Resources,
Washington, DC.

DEAR MR. CHAIRMAN: I would like to express my support for Senator Denton's proposed amendment entitled "Peace, Arms Control, and Conflict Resolution Act." I understand the Senator intends to offer this amendment as a substitute to S. 564, which would establish the United States Academy of Peace. I concur with the views of the Office of Management and Budget and the Department of State opposing the establishment of such a new governmental entity. The Arms Control and Disarmament Agency's statutory mandate, among other things, already covers "the conduct, support, and coordination or research for arms control and disarmament policy formulation." Also under Section 31 of the ACDA Act the Director is authorized "to make arrangements (including contracts, agreements and grants) for the conduct of research, development, and other studies in the field of arms control and disarmament by private or public institutions or persons."

Should Senator Denton's substitute legislation become law, as Director of the Arms Control and Disarmament Agency, I would carry out the program as prescribed in the legislation, in keeping with the administration's programs under the guidelines of the Office of Management and Budget.

Sincerely,

KENNETH L. ADELMAN.

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 12, 1982.

Hon. JEREMIAH DENTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR DENTON: The Administration shares your concerns about the bill S. 1889, which would establish a new governmental unit to promote activities currently undertaken in the private sector to encourage international understanding and foster the study of conflict resolution.

As the State Department has previously indicated, the Administration believes that the private sector has done a commendable job of promoting these values, and ensuring that the benefits of private research are available to policymakers in both the Executive Branch and the Congress. Establishing a new governmental entity in this area is therefore unnecessary, and may in fact supplant the private sector initiatives currently being undertaken in these areas.

For this reason, the Administration strongly supports your efforts to amend S. 1889 to reinforce the traditional role of programs under Title VI of the Higher Education Act as the primary source of governmental assistance to studies in the area of international peace and understanding.

Thank you for this opportunity to express the Administration's support for your efforts.

Sincerely,

DAVID A. STOCKMAN,
Director.

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 23, 1983.

Hon. ORRIN G. HATCH,
Chairman, Committee on Labor and
Human Resources, Washington, DC.

DEAR ORRIN: This is in reply to your request of March 2, 1983, for the views of the Office of Management and Budget on S. 564, the "United States Academy of Peace Act."

The Office of Management and Budget concurs in the views on S. 564 as expressed by the Department of State in testimony before your Committee on March 16, 1983. Establishing a new governmental entity is unnecessary and would duplicate and compete with efforts already under way. Accordingly, you are advised that this Office remains opposed to enactment of S. 564.

The Administration does support, however, Senator Denton's proposed substitute for S. 564 which would authorize \$3 million in fiscal year 1984 and \$5 million in fiscal year 1985 under a new Part D of Title VI of the Higher Education Act. This authority, to be administered by the Arms Control and Disarmament Agency, would serve as the primary source of governmental assistance to studies in the area of international peace and understanding.

Sincerely,

DAVID A. STOCKMAN,
Director.

Mr. DENTON. Mr. President, I offer these reservations as my own opinion, and with deep deference to the opinions of others and respect for the proposal that they have put before us.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I am pleased to be a cosponsor of this amendment, and I am pleased that

people in Michigan have played such an important role in the field of peace studies. The major focus of the National Academy of Peace would be to coordinate the educational, research, and resource work carried on currently in centers such as the one first established at the University of Michigan in 1957.

This center, the Center for Conflict Resolution, was established by Drs. Elise and Kenneth Boulding contemporaneously with the formation of the professional umbrella organization COPRED, the Consortium on Peace, Research, Education and Development. As the Commission to establish the U.S. Academy of Peace stated: "the center was a major force in bringing together scholars and practitioners whose work would contribute to the promotion of International Peace."

Currently, work in peace studies is also being carried on in Michigan at the Center for Peace and Conflict Studies at Wayne State University in Detroit. Dr. Lillian Genser and her colleagues have been working there to develop a comprehensive curriculum guide for teachers working in the field of global education.

I urge my colleagues to support this amendment to establish the National Academy of Peace.

The PRESIDING OFFICER. Is there further debate?

Mr. EAST. Mr. President, I assume that what the Senate prefers to do at this late hour is simply to voice vote this through. That is all right. I will yield to it. It still think it is a bad idea, but I suppose the handwriting is on the wall.

I will not put my colleagues through the ordeal, but I should like the RECORD to show that the junior Senator from North Carolina voted "no" on the voice vote.

I think it is a bad idea, and I regret that the imprimatur of the U.S. Senate is going to go on it by voice vote, which obviously will go through tonight. I will not impose upon my colleagues. Apparently, I am the only one. I would like to have a rollcall vote, but I will not impose. However, I should like the RECORD to show that if there were, I would vote "no" and that in the voice vote I am voting "no."

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3270) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, now we can get on with the amendments. Senator GRASSLEY has been waiting pa-

tiently and is prepared to offer his amendment.

Mr. President, I joined the "noes" on the previous vote. As a former academician, I think it is an exercise in intellectual dishonesty. I think there are many more things worthy of my distinguished and good friend JENNINGS RANDOLPH that we could name after him than this Peace Academy, which has dubious academic intellectual value.

What is proposed to be taught here is taught in every political science faculty throughout the country. I want to express my opposition to this idea, along with that of Senator EAST.

AMENDMENT NO. 3272

(Purpose: To further improve procurement practices)

Mr. GRASSLEY. Mr. President, I send to the desk an amendment co-sponsored by myself, Mr. LEVIN, Mr. PRYOR, Mrs. KASSEBAUM, Mr. CHILES, Mr. DIXON, Mr. JEPSEN, Mr. GLENN, Mr. BINGAMAN, Mr. CRANSTON, and Mr. MELCHER.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY), for himself and others, proposes an amendment numbered 3272.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84, line 14, strike out "The head of an agency" and insert in lieu thereof the following: "A person denied the opportunity to demonstrate its ability to meet the standards specified for qualification pursuant to subsection (a)(4) may not be denied the opportunity to submit and have considered an offer for a contract to be made by the Department of Defense solely because the person—

"(1) is not on a list of qualified bidders prescribed or maintained by the Department of Defense; or

"(2) in the case of a contract for the purchase of a product, does not have its product on a list of qualified products prescribed or maintained by the Department of Defense. The head of an agency."

On page 92, line 22, strike out the question marks and the second period.

On page 92, between lines 22 and 23, insert the following:

"§ 2323. Competition for spare parts

"(a) A contractor's legitimate proprietary interest in technical or other data shall be defined by regulations prescribed as part of the single system of Government-wide procurement regulations (commonly referred to as the Federal Acquisition Regulations), as defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(4)).

The regulations shall assure that, except as provided by statute, the United States shall retain unlimited rights to technical or other data which is developed exclusively with Federal funds. The following factors shall be considered in prescribing the definition:

"(1) The statement of congressional policy and objectives in section 200 of title 35, the statement of purposes in section 2(b) of the Small Business Innovation Development Act of 1982 (Public Law 97-219; 15 U.S.C. 638 note), and the declaration of policy in section 2 of the Small Business Act (15 U.S.C. 631).

"(2) The interest of the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture.

"(b) The Secretary of Defense shall—

(1) prescribe regulations establishing within appropriate agencies of the Department of Defense programs which provide domestic business concerns an opportunity to purchase or borrow spare or replacement parts from the United States for the purpose of reverse engineering, or design replication or modification, to be used by such concerns in the submission of subsequent offers to sell the same or like parts to the United States, but nothing in this clause shall limit the authority of the head of an agency to impose restrictions on such a program related to national security considerations, inventory needs of the United States, the improbability of future purchases of the same or like parts, or any additional restrictions otherwise required by law; and

"(2) consult with representatives of associations representing small business concerns before regulations are prescribed under paragraph (1).

On page 94, beginning with line 15, strike all through line 5 on page 95, and insert in lieu thereof the following:

"(7) 'Technical data' means recorded information (regardless of the form or method of the recording) of a scientific or technical nature (including engineering data) relating to the property procured by an agency and used throughout the life cycle of the property for the purposes of performing management, engineering, maintenance, modification, test, and other functions relating to the property and to procure spares or additional spares of such property, and includes data resulting from work which was specified and directly funded as an element of performance of a contract from the United States, but does not include computer software, or financial, administrative, cost or pricing, management data, or other information incidental to contract administration. For purposes of commercial products, technical data shall be restricted to only that data necessary to fully operate and maintain the system during its service life."

On page 96, between lines 11 and 12, insert the following:

(d) Section 2303 (a) of title 10, United States Code, is amended by adding at the end thereof the following:

"(6) Defense Logistics Agency."

Mr. GRASSLEY. Mr. President, first, let me announce that I believe that all of the problems in this amendment have been worked out.

I should like to thank and commend my colleagues and their staffs for the many hours they contributed toward negotiating this amendment and reaching an agreement.

I thank our original sponsors, Mr. PRYOR, Mr. CHILES, and Mrs. KASSEBAUM, for their support, and especially the efforts of Senators LEVIN and DIXON for the tremendous work they had done throughout the legislative

process on the issue of spare parts procurement. Without the persistence and industry of Senators LEVIN and DIXON and others, Congress might not be in its present position of making a significant stride toward ending the enfeebling outrages of the \$435 hammer and the \$1,000 stool cap.

This amendment provides a good, stiff application of the principles which made our Nation great: competition. It facilitates the participation of 2½ million small businesses across the country in the bidding process for spare parts. It helps provide this country what it urgently needs at a price it can afford.

This amendment represents substantial movement in this body for the language on procurement so overwhelmingly approved in the House under the hard work and leadership of my good friend and colleague from Iowa, Congressman BERKLEY BEDELL.

This amendment also has the backing of the National Federation of Independent Business, the National Tooling & Machining Association, the Small Business Legislative Council, and the National Small Business Association, and I especially acknowledge and thank the Business Executives for National Security for their assistance and expertise in working out this amendment. I urge each of these associations to take up the challenge that we confronted them with—the opportunity to help provide this Nation with more national security at an affordable cost.

I wish to make it very clear that these provisions are good, solid steps toward addressing the problem of spare parts overpricing. But it is by no means a cure all.

Mr. President, that is my statement, and I yield the floor to the Senator from Iowa, the senior Senator from Iowa.

Mr. JEPSEN. Mr. President, this year I joined with my colleagues on the Armed Services Committee in attempting to put a stop to some of the outrageous prices that were being charged for spare parts and equipment for our armed services. The ad hoc committee on selected procurement matters was able to dispose of a wide range of proposals to improve spare parts procurement. We were able to compress a tremendous amount of review and hearings into a very short period of time.

We made substantial progress, however, largely through the efforts of Senator QUAYLE, Senator LEVIN, and Senator DIXON.

Since we completed our work in the Armed Services Committee, my distinguished colleague from Iowa has made additional suggestions for ways to cut wasteful defense spending by expanding competition even further. Senator GRASSLEY has been doggedly deter-

mined in pursuing waste in defense spending. I am pleased to cosponsor his amendment to our bill.

Mr. PRYOR. Mr. President, I am pleased to speak in support of the amendment by the Senator from Iowa [Mr. GRASSLEY] making improvements in the procurement process. Senator GRASSLEY and I have introduced a comprehensive reform measure, S. 1904, designed to increase competition in defense contracting, and I welcome this opportunity to take an important step toward the reform embodied in the Grassley-Pryor bill.

This amendment would assure that acquisition reform procedures really open up Government contracting to the businesses that form the backbone of the American economy—the small businesses of America. For too long, billions of dollars in purchases by the Federal Government, especially by the Defense Department, have gone to a relatively small group of corporate giants, often at noncompetitive prices.

Restrictions that exclude small business suppliers of goods and services hurt the taxpayers by increasing Government costs and hurt small businesses through the loss of sales opportunities. Such procedures also erode public confidence and support. Mr. President, people across this country are no longer willing to simply accept the business-as-usual approach that pervades Government contracting.

I am especially pleased that the National Federation of Independent Business has given its support to this proposal. NFIB has worked tirelessly to develop legislation that serves the public's interest in greater competition and reduced costs, and also serves the interests of small businesses who simply want a fair opportunity to compete in the Government marketplace.

Mr. President, I want to commend the Armed Services Committee for including in this year's bill several provisions to increase the use of competition in defense procurement. I commend all who worked so hard for these provisions, and I'm hopeful that these provisions will be enacted into law this year and bring significant savings to the taxpayers.

Although studies have demonstrated that competition can reduce the costs of goods and services by as much as 25 to 30 percent, the Federal Government far too frequently has chosen the more expensive route of sole source contract awards. I believe the Federal Government must use all available tools to make Government services more economical, effective and efficient, and this bill takes important steps in that direction.

Defense procurement is, of course, the largest block of Federal purchasing, and we are all painfully aware of horror stories relating to overcharging on everything from plastic stool caps to aircraft carriers. These reports

weaken the credibility of the Defense Department and the Congress and hurt our efforts to fund necessary Defense items.

I am particularly pleased that the committee included a very important provision establishing the advocate for competition within the Department of Defense to assure that no opportunities for obtaining competition are neglected and that the Senate approved Senator BYRD's amendment to this section.

I proposed the creation of competition advocate positions in legislation which I introduced in the last Congress. Although present regulations require contracting officers to maximize competition for each contracting award, the General Accounting Office has found that these officials often acquiesce to the sole source procurement requests of headquarters, technical personnel and end users. In effect, there is no clear responsibility and accountability for competition in Government contracting.

The primary responsibility of this official will be to ensure implementation of new operating procedures, which require that agencies make an affirmative effort to obtain competition. The individual will ensure that competition is not foreclosed by restrictive need statements, unnecessarily detailed specifications, poor procurement planning or arbitrary agency action. The objective is to instill accountability into the procurement process.

Mr. President, I believe the Federal Government's procurement policies and practices must include basic and essential cost reduction procedures. Today we are putting some accountability and cost reduction opportunities into the Defense procurement system, and I believe our effort will pay huge returns in the long run.

I commend Senator GRASSLEY on his efforts and urge adoption of this amendment.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Senator KASTEN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I yield to the Senator from Michigan.

Mr. LEVIN. Mr. President, first of all, let me commend Senator GRASSLEY and his staff and indeed all of our staff who have worked so long and hard to settle differences that have existed in this matter.

Senator GRASSLEY's original amendment had, or might have, overlapped and contradicted portions of the language in the spare parts procurement reform title that is already in this bill. He has labored long and hard, with his staff and our staff, to make his proposed changes consistent with the spare parts procurement reform title. They now are consistent. They repre-

sent, in my opinion, a real contribution to our efforts to reduce and eliminate waste in the purchase of spare parts, and in our efforts to enhance competition. Senator GRASSLEY has been unwavering in his effort to reduce waste, not just in the Defense Department but in other parts of our Government.

This amendment is now one again that is consistent with our reform package, and I am happy to cosponsor it with my friends from Iowa.

Mr. President, I want to explain one clarifying provision of the Grassley-Levin amendment that was added at my request.

As currently written, the proprietary rights language of this bill contains a definition of technical data that has been reported in a way that would appear to have an unintended result. With this amendment we would hope to solve this problem as it exists in the definition section of the bill, and address the concerns that were sought to be addressed through amendments to provisions elsewhere in the bill.

Both the Small Business and the Armed Services Committees have been concerned about the proprietary data rights section of this bill as it applies to commercially sold items and to items developed entirely at private expense. In an effort to address these concerns, all have agreed that at least in these two cases there should not be any contract clauses that automatically grant to the Government unlimited rights in that proprietary data.

In our attempt to provide for these two situations in the bill, we placed these exemptions in the definition of technical data—found on page 94 of the bill. However, the effect of placing these two exemptions in the definition section would prevent the United States from ever getting data in those situations when the United States needs the technical data for reasons other than for competitive reprourement, such as the use of the data for such legitimate functions as performing management, engineering, maintenance, modification, test, or other activities. In these cases, the Department of Defense needs some latitude in data for systems it purchases.

At the same time that we remove the commercial product and private expense exemptions from the definition of technical data it is important that these concerns be addressed elsewhere in the bill. The authors of this provision have agreed that in order to provide guidelines on what would be a valid assertion of a proprietary right in data, we will add a section to the bill that will require the Office of Federal Procurement Policy to write Governmentwide regulations to define the circumstances under which the Government will recognize as valid a con-

tractor's assertion of rights in technical data.

In this section, the OFPP has been instructed that the Congress is not interested in obtaining data for the purposes of competitive procurement when such data relates to items developed at private expense, or is developed at private expense and offered for sale to the general public. Only when the contractor is willing to relinquish rights to that data as part of a competitive effort to obtain a Government contract would such data be delivered to the Government with unlimited rights. Thus, our treatment of these data issues in this bill has been to make them a subject of contract negotiation.

Mr. GRASSLEY. Mr. President, I thank the Senator from Michigan for those kind remarks.

I also thank Senator TOWER and his staff of the Armed Services Committee for being very conscientious and faithful in helping us reach this agreement.

Mr. President, I ask unanimous consent that Senator INOUE be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there be no further debate on this amendment, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 3272) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

Mr. TOWER. Mr. President, if the Senator from Alaska will yield just a moment, it is my understanding that this is the only amendment the Senator from Iowa will have this evening. Am I correct?

Mr. GRASSLEY. Yes; that is true. I did anticipate discussing the one on creeping capitalism and having a vote on it, but I am not going to do that on this bill at this time. So I think this is the last Grassley amendment.

Mr. TOWER. I thank the Senator from Iowa.

AMENDMENT NO. 3269

(Purpose: To retain authority for payment of overseas housing allowance for members of the Uniformed Services assigned to Alaska and Hawaii)

Mr. STEVENS. Mr. President, I have an amendment at the desk on behalf of myself and the distinguished Senator from Hawaii, which is No. 3269, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. INOUE, proposes an amendment numbered 3269.

On page 28, line 18, insert after "States" "(other than Alaska and Hawaii)".

On page 34, delete all after line 3 through and including line 3 on page 35.

Mr. STEVENS. Mr. President, I will be as brief as possible.

Mr. President, this amendment will retain the current satisfactory practice of treating servicemen assigned to Alaska and Hawaii as holding overseas assignments for the purposes of housing assistance. This practice has long been accepted and justified because of the extraordinary costs in these States of owning and renting a home.

I am not really certain why the House Armed Services Committee proposed eliminating this needed assistance in favor of shifting service assignments to the variable housing allowance program used in what we call the lower 48 States.

This amendment would delete the provisions that is opposed by the uniformed services and by the Department of Defense. They have informed us that it will cause unnecessary hardship for service members in Alaska and Hawaii by sharply reducing housing allowances.

On top of that, the proposed shift from the overseas rent-plus program to variable housing allowance—called VHA—will create inequities. Under VHA, for instance, most servicemen will receive far lower housing allowances in Hawaii and Alaska, but 30 percent would actually receive more than they need.

Perhaps the House Armed Services Committee is proposing this change to save money. It is true that shifting Hawaii- and Alaska-based servicemen from rent-plus to VHA will save about \$3 million in 1985. But it is also true that the resulting hardships will increase unaccompanied tours and sharply increase permanent change of station moves. These unwanted changes will more than offset the small savings in housing benefits.

Mr. President, I shall read briefly from the statements furnished to me by the Department of Defense and the three uniformed services stating their clear opposition to the provision that is in the bill.

First, the Department of Defense on May 22 stated that:

The Department is opposed to an arbitrary conversion to VHA as proposed by the HASC. Before any legislative change is considered, the Department's position is that it should be given the opportunity to examine the program thoroughly and, if necessary, to propose viable alternatives that are developed on an informed basis.

The Navy has indicated that "Implementation of VHA program in Hawaii and Alaska will have a severe impact on service members."

That is from the paper that was provided us also from the Department of Defense.

The Air Force has stated that it is "opposed to changing to the variable housing allowance system in Alaska and Hawaii. Conversion to VHA would cause substantial out-of-pocket housing costs."

The Army says:

The Army strongly opposes the elimination of Rent Plus in Alaska/Hawaii. It has long been recognized that these locations are extremely unique because of their economies. As a result, higher supplements are needed by all service members assigned to these locations.

Finally, in the Air Force Times on May 28, there was a long article entitled "Services Rally for Rent-Plus," and contained in that is a statement of the director of Air Force personnel/plans. He states:

We estimate that only 30 percent of service members in Alaska and Hawaii would be fully reimbursed for their housing expenses under the VHA program, compared to about 90 percent under the RPHA system.

The Chief of Naval Operations stated:

I will continue to oppose termination of the RPHA (rent-plus housing allowances) in Hawaii and Alaska, but it is also clear to me that much of the opposition to RPHA is not without good justification.

Mr. President, I ask unanimous consent to have printed in the RECORD all of the statements in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, let me just summarize this.

Under the current system 85 percent of the servicemen in Alaska and Hawaii receive full and fair compensation for housing costs, but none of them receive more than they actually spend. About 15 percent must absorb housing costs that average about \$200 a month more than their allowances.

Under VHA, as proposed by the committee in the House, only 5 percent will be fully reimbursed for costs. Some 65 percent will be underpaid by up to \$800 a month. And, as I said before, 30 percent, strangely enough, would be overpaid. They would be paid more than their actual costs.

The relatively small savings achieved by going over to VHA would be more than offset by these permanent change of station moves because the high extension rates that have been achieved in Hawaii and Alaska would fall off. These voluntary extensions would fall off considerably.

I emphasize to the Members of the Senate that the Senator from Hawaii and I are not talking about people who are residents of our States. They do not vote for us. We are talking about servicemen from all over the Union. They are residents of other States but

they deserve equity and they deserve to be treated fairly as they have in the past.

We do not suggest that military housing compensation concepts do not need improvement. We had to limit VHA because of the sharp cost increases; and rent-plus undoubtedly has problems, too.

The Inspector General is currently examining the rent-plus program. Our Defense Appropriations Subcommittee is asking the General Accounting Office to look at all military housing compensation programs to see if we can improve them and, hopefully, reduce the overall costs. But if any permanent changes should be made, we believe we should await these studies.

It has been my practice, Mr. President, to support the Armed Services Committee when it brings a bill to the floor. I think I generally have done that. I had one exception in terms of the battleships, but I lost that on three separate occasions. I have given up that attack.

In this case, it is just difficult for me to see anything good in the attempt to treat the Alaska and Hawaii assignments in a manner different than they had been treated in the past. They are not the same as those in the lower 48 States because we have such a huge difference in housing costs and housing availability.

I hope that the Senate will join Senator INOUE and me in supporting the uniformed services by preserving the current housing compensation practice that is working so effectively and continue to provide the rent-plus program which is the fullest and fairest payment plan for these high-cost areas.

EXHIBIT 1

DEPARTMENT OF DEFENSE INFORMATION PAPER, MAY 22, 1984

Service/agency: Office, Assistant Secretary of Defense (MI&L).
Appropriation account: N/A.
Budget activity: N/A.
Subject: Variable Housing Allowance in Alaska and Hawaii.

1. Question/request: The House Armed Services Committee markup of the FY 85 DoD Authorization Act contains a provision which would replace the current Rent Plus overseas housing allowance with the VHA in Alaska and Hawaii. The HASC language provides for "grandfathering" for those members assigned to Alaska or Hawaii as of December 31, 1984.

2. Response: DoD Position: The Department is opposed to an arbitrary conversion to VHA as proposed by the HASC. Before any legislative change is considered, the Department's position is that it should be given the opportunity to examine the program thoroughly and, if necessary, to propose viable alternatives that are developed on an informed basis.

Service/agency: U.S. Navy.

Appropriation account: Military Personnel, Navy.

Budget Activity: Pay and Allowances for Officers (BA 1); Pay and Allowances for Enlisted (BA 2).

Subject: Navy Position regarding Variable Housing Allowance (VHA) Vice Rent Plus Housing Allowance (RPHA) in Alaska and Hawaii.

Question/request: What is the Navy position in regard to the HASC move from "rent plus" to VHA for military personnel in Alaska and Hawaii?

(Navy primarily concerned about impact in Hawaii as Navy has relatively few service personnel in Alaska and most are provided on base housing (Adak)).

In Hawaii 66% of all members drawing RPHA are in paygrades E-6 and below.

32.5% of E-6 and below population pay rents which exceed RPHA max.

Change to VHA will reduce net pay by \$193 per month (E-6); \$94 per month (E-1); equates to a 16-20 percent loss of basic pay.

39.5% of officers in paygrades O1 to O3 stationed in Hawaii are paying rents which exceed current RPHA max.

Change to VHA will reduce net pay by \$278 per month (O-3); \$126 per month (O-1); equates to a 11-14 percent loss of basic pay.

Housing development has not paced population growth in Hawaii.

99% of housing occupied; very competitive rental situation.

Military family housing currently filled to 99% of capacity.

No new family housing programmed for Oahu through 1988.

Major concern—VHA not flexible enough to accommodate rapid and significant changes in unique Hawaiian rental market.

Since March 1983 average single family residence rental has increased about 23% on Oahu.

RPHA gives members most flexibility to cope with escalating rental cost spiral in housing market where prices chase availability.

Landlords prefer short-term leases (six months or less) due to low supply/extraordinarily high demand for rental units. Rent increases upon renewal.

VHA rates set at average areas housing cost based on historical data, less the absorption off-set (now 30% of BAQ) and cannot respond immediately to rising housing costs.

Recommendation: Rent Plus Housing Allowances (RPHA) be retained in order to ensure service members may compete for suitable family housing in Alaska and Hawaii.

Service/agency: Department of the Air Force.

Appropriation account: (Military Personnel Appropriation).

Budget activity: Officer and Enlisted Pay and Allowances.

Subject: Rent plus vs VHA in Alaska and Hawaii.

Question. Senate Appropriations Defense Subcommittee requests an official position on whether or not the Air Force supports the HASC recommendation of changing the rent plus system in Alaska and Hawaii to the Variable Housing Allowance system.

Under rent plus approximately 85% of members receive full reimbursement for their housing expenses compared to about 30% under the VHA concept (see attachment). For example, a staff sergeant (E-5) in Anchorage, Alaska could receive up to

\$4,000 less in housing allowances in 1985 than his counterpart receives today under the rent plus system and this assumes that the Congress adopts the recommendations of the 1984 VHA study (i.e., where members would have average unreimbursed housing costs that equal 15% of median housing costs in CONUS; equates to 21.4% of BAQ). Even if VHA were funded at entitled levels, only about 40% of members would be fully reimbursed for their housing costs. To exacerbate the problem the lower VHA would disqualify most members from the high priced homeownership market—average price of homes is well in excess of \$125,000 in Alaska and Hawaii. An E-5, with three dependents who now qualifies for a \$79,000 home loan through the Alaska Housing and Finance Corporation would qualify for a maximum loan of \$69,000 under VHA; a drop of \$10,000.

Eliminating many servicemembers from the housing market would result in saturating an already oversaturated rental market (Hawaii has lowest rental vacancy rate—1%—in the Nation) and tend to drive up rental costs since more would be forced to enter the rental market. The VHA will also make it extremely difficult for current homeowners to sell in an already depressed resale market. VHA is not flexible enough to deal with the "unique" Alaska and Hawaii housing market, particularly in Hawaii where "six-month" rental leases are the norm rather than the exception. With the rent plus system, there is room between the average rental and the rent plus ceiling (set at the 80th percentile of reported rents) to accommodate rapidly increasing rents as they occur; i.e., as rents increase so do members' housing allowances—VHA offers no such leeway (when rents increase, VHA remains static until the annual VHA adjustments are made). Eliminating rent plus will likely reduce the number of volunteers for Alaska and Hawaii (to avoid financial hardships). This could result in more unaccompanied tours and, in turn, result in more permanent change of station (PCS) moves in a time when the Services are trying to reduce the number of PCS assignments. If VHA were fully implemented today under the recommendations of the 1984 VHA study, between \$15 and \$20 million annually would be lost to servicemembers, and, in turn, to the local economies—more than double this amount if the current VHA caps and BAQ plus VHA ceiling (i.e., \$800 for members with dependents and \$600 for members with dependents) is not lifted.

11 MAY 1984.

Service/agency: Army.

Appropriation: Military Personnel, Army.

Budget activity: N/A.

Subject: Rent Plus vs Variable Housing Allowance (Alaska/Hawaii).

1. On 19 April 1984, the House Armed Services Committee (HASC) recommended extending VHA to Alaska/Hawaii and eliminating the Rent Plus System for those assigned on or after 1 January 1985.

2. Currently, there are approximately 1,300 Army servicemembers in Alaska and 4,821 in Hawaii drawing Rent Plus Housing Allowances. If a Variable Housing Allowance replaces the current Rent Plus System, these servicemembers will suffer significant reductions in their housing allowances. For example, reflected below is a comparison between these two housing allowances for Oahu, Hawaii:

	Total rent plus BAQ	BAQ plus VHA (estimate)	Monthly loss
Grade:			
E-3	\$642	\$490	—\$152
E-5	782	551	—231
E-7	882	650	—232
O-3	1,032	730	—302
O-5	1,102	847	—255

3. The Army strongly opposes the elimination of Rent Plus in Alaska/Hawaii. It has long been recognized that these locations are extremely unique because of their economies. As a result, higher supplements are needed by all servicemembers assigned to these locations. If a Congressional decision is made to the contrary, personnel who arrived prior to 1 January 1985 should be fully grandfathered.

[From the Air Force Times, May 28, 1984]

SERVICES RALLY FOR RENT-PLUS (By Tom Philpott)

WASHINGTON.—The services are battling behind the scenes in the Pentagon and Congress to keep the rent-plus housing allowance program alive for members in Alaska and Hawaii.

The House Armed Services Committee last month voted in its version of the defense authorization bill to put persons assigned to Alaska and Hawaii, on or after October 1, under a variable housing allowance program rather than the higher-paying rent-plus system.

The committee action caught the Defense Department and the services by surprise. But now, military commanders in the two states and service leaders here, are warning the lawmakers of substantial increases in unreimbursed housing costs and declines in members' morale if the HASC recommendation is adopted.

Officials want the bill amended on the House floor or, if that fails, they want the provision killed in a conference committee that will be held when Senate and House representatives meet to iron out differences in their versions of the authorization bill. It's unclear, however, whether the Senate would support a similar provision.

In general, VHA payments in Hawaii and Alaska would be significantly lower than those provided under rent-plus because VHA rates are based on average rental costs in the assignment area while rent-plus payments are set to cover full rental costs for 80 to 90 percent of members living off base.

Service officials estimate that housing allowances paid to an E-5 living off base in Anchorage, Alaska could decline by as much as \$4000 a year in 1985 if rent-plus is eliminated in favor of VHA.

The average monthly drop in housing money for those living off base with dependents in the two states would range from \$46 a month for an E-3 to \$108 a month for an O-5, officials said.

The maximum decline in Alaska, for members with dependents whose rental costs bump up against the local rent-plus ceilings, would range from about \$157 a month for an E-3 to about \$354 for an O-3, the services estimate. In Hawaii, the fall off in allowances could be as much as \$152 a month for an E-3 with dependents and as high as \$302 a month for an O-3 with dependents.

Here are some specific examples. Under rent-plus, an E-5 with dependents in Anchorage can receive up to \$1081 a month in combined housing allowances, which would include basic allowance for quarters and rent-plus payments, including reimburse-

ments for utilities and average moving in/moving-out expenses. That would be the maximum reimbursement. The payments, however are based on actual rental costs and average about \$815 a month for the married E-5. Under VHA, the monthly allowance payment would fall to \$755, or \$326 from the maximum under rent-plus and \$60 from the average.

Maximum allowances for an O-5 with dependents in Anchorage is \$1256 a month. Under VHA they would fall to \$1039 or by \$217. From the \$1147 average allowance payment for married O-5, that would be a decline of \$108 a month.

Under rent-plus in Oahu, an E-5 with dependents can receive up to \$782 in combined allowances but the average total payment is \$611. Under VHA, total allowances would fall to \$551, down \$231 from the maximum and \$60 from the average payment.

Maximum allowances under rent-plus for an O-5 with dependents in Oahu is \$1102 and the average combined payment is \$955. Under VHA, total allowances would drop to \$847 a month, down \$225 from the maximum and \$108 from the average.

"We estimate that only 30 percent of service members in Alaska and Hawaii would be fully reimbursed for their housing expenses under the VHA program compared to about 90 percent under the RPHA system," said Maj. Gen. Robert C. Oaks, Air Force Director of Personnel Plans, in a recent letter.

"We also estimate that between \$15 (million) and \$20 million annually will be lost to service members and, in turn to the local economy," Oaks said.

Adm. William J. Crowe Jr., commander-in-chief, Pacific, urged the Defense Department and service leaders in a April 30 priority message to fight the HASC proposal. If the two-year-old rent-plus program is replaced by VHA, he said, some members will have to spend up to 20 percent of their basic pay on rental payments.

"This is a significant erosion of benefits and could result in difficulties in filling billets in Hawaii. Rather than face personal financial hardships, many members may choose unaccompanied tours resulting in increased turnovers, additional (permanent change-of-station) costs and higher training requirements," Crowe said.

He added that VHA will not keep military people competitive in the Hawaiian rental market where 99 percent of units are occupied.

"A major long-range fallout of bringing Hawaii and Alaska in line with the 48 contiguous states (now under VHA) is the probability of the redefinition of an overseas area," Crowe said. "This could eventually lead to the loss of multiple compensations made necessary by the distance to ConUS and the follow-on high cost of living in these states."

While all the services and DoD oppose the HASC provision, Adm. James D. Watkins, Chief of Naval Operations, gave a bleak assessment of the chances for saving rent-plus in a May 14 return message to the Pacific area.

"I will continue to oppose termination of the RPHA (rent-plus housing allowances) in Hawaii and Alaska, but it is also clear to me that much of the opposition to RPHA is not without good justification," Watkins said.

A statistic used in the Crowe message that one-third of officers in pay grades O-1 to O-3 are paying rents that exceed the rent-plus ceilings suggests that two-thirds of the same group pay rent below the ceiling, the CNO said.

Also, the observation by Crowe that by switching to rent-plus Hawaii will lose millions of dollars in housing income "is fuel for opponents of RPHA that RPHA leads to rent gouging."

"In the final analysis, support for RPHA on the Hill is weakening, and, quite frankly, I am not confident our appeals will be successful," Watkins said.

But the CNO promised to continue to fight to provide service members in Hawaii and Alaska with either acceptable government housing or compensation to compete with civilians for housing on the local market.

Mr. INOUE. Mr. President, this amendment is fair and equitable. This amendment means much to the men and women who serve in Alaska and Hawaii. This amendment will play an important role in the morale of those who serve us in our uniform.

I am pleased to be a cosponsor. I wish to commend my colleague from Alaska for his leadership on this matter. I wish to have myself associated with his remarks.

Mr. TOWER. Mr. President, I wanted to ask some questions of the Senator from Alaska. Is it not a fact that for the past 2 years appropriations acts have frozen or reduced the rates of housing compensation for members in the continental United States but that no caps were placed on the rates of housing compensation for personnel in Alaska and Hawaii by the Appropriations Act?

Mr. STEVENS. The funding that was provided in the appropriations bill provided for total housing compensation. It was a combination of the variable housing allowance and the basic allowance for quarters. It was the same as requested by the Department of Defense. No enlisted person is receiving less for housing in fiscal year 1984 than he or she received in fiscal year 1983. No officer is receiving less total compensation than was paid in 1983.

We did impose a freeze on housing compensation as requested by the Department of Defense. We do believe that the new variable housing allowance program must be looked into. When we held a hearing, we found that costs of the variable housing allowance program that was started in 1981 had risen by 160 percent from the original estimate. VHA was set up to cover high cost areas, but VHA now is paid to members of the armed services everywhere in the continental United States except Gallup, NM; 98 percent of all military people living off base in the United States receive VHA, in addition to the basic allowance for quarters.

We are asking for a study of that by the General Accounting Office and, as I have indicated, the Inspector General of the Department of Defense is looking into rent plus. But we have not changed the program, other than to impose the freeze as was requested

by the Department of Defense and the cap on maximum payments.

Mr. TOWER. I simply say to the Senator from Alaska that it is my impression that because the cap was imposed last year, personnel in some high cost areas in the continental United States, like Washington, Boston, and San Diego, had their housing compensation reduced, but no reduction was imposed on personnel in Alaska. And the cost of housing in areas like Boston and San Diego are at least equal to those in Alaska. I hope we can get some equitable treatment for those in the lower 48 that face the same high housing costs as they face in Alaska and Hawaii, perhaps.

Mr. STEVENS. Mr. President, we attempted to do that through the variable housing allowance, but it was not operated on a subjective basis, as rent-plus is. It was operated on a total across-the-board basis. Under VHA, we found that many service people are receiving more money in allowances now than they actually incur in costs. There are others that have not been given the assistance that VHA was supposed to give them. VHA was supposed to cover high cost housing in the contiguous 48 States. The way it has been handled, as I have said, is nearly every member, now gets VHA in addition to the basic allowance for quarters. A program that did not exist in 1981 has not become an entitlement in terms of a second allowance, as far as the quarters are concerned.

We raised this in a hearing and, as a result of that, we put a cap on the total amount of both basic allowance for quarters and VHA. The result of that, as I said, is that no enlisted person is receiving less for housing than he or she received in 1983. In the officer category, some of them—very few—were put in the position where they had to absorb some of the increased cost that they had because of the cap that was imposed on the program as a whole.

But the difficulty is that the Congress provided for an increase in one element of the housing compensation, basic allowance for quarters, which the Defense Department did not request. We recommended an offset because of that into the VHA Program. It was the total compensation that the cap was on. We just said they had to take into account the increase in the basic allowance for quarters as they did to VHA.

But I think that we are trying to work out a totally fair and adequate compensation system for all service members. We believe it should be subjective, as it has been overseas, as it has been in Alaska and Hawaii, and that the VHA Program, had it been carried out as the Senator's committee intended, would have provided a very fair and adequate system.

We hope Alaska and Hawaii will be included in that system when the VHA Program is straightened out. But right now, as I indicated, the net result of changing Alaska and Hawaii servicemen over to this would mean that we would have a situation where 65 percent or more of the people covered would be underpaid.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Alaska [Mr. STEVENS].

The amendment (No. 3269) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3273

(To authorize certain programs and reports concerning the National Guard and Reserves)

Mrs. KASSEBAUM. Mr. President, on behalf of myself, Mr. LEAHY, Mr. GORTON, Mr. LEVIN, Mr. PRYOR, Mr. GRASSLEY, Mr. PRESSLER, Mr. HUDDLESTON, Mr. DOLE, and Mr. SASSER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM], for herself, Mr. LEAHY, Mr. GORTON, Mr. LEVIN, Mr. PRYOR, Mr. GRASSLEY, Mr. PRESSLER, Mr. HUDDLESTON, Mr. DOLE, and Mr. SASSER, proposes an amendment numbered 3273.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 9, strike out "\$20,000,000" and insert in lieu thereof "\$40,000,000, of which not less than \$20,000,000 shall be used for the procurement of 30mm antitank gun pods for the exclusive use of the Air National Guard and the Air Force Reserve."

On page 9, between lines 2 and 3, insert the following new subsection:

(e)(1) Not less than \$5,000,000 of any funds appropriated for Air National Guard equipment pursuant to the authorization contained in subsection (a) shall be used for the procurement of so-called "smoke kits" for the F-4 aircraft.

(2) On and after the date of the enactment of this Act for the fiscal year 1985, for each F-4 aircraft in the Regular component of the Air Force that is "de-smoked," at least one F-4 aircraft assigned to the Air National Guard or the Air Force Reserve shall be "de-smoked."

(3) It is the sense of Congress that the F-4D "smoke kit" modification program for the Air National Guard and Air Force Reserve should become a priority program and should be the subject of requests for increased funding commencing in the fiscal

year 1986 Department of Defense budget request.

Mrs. KASSEBAUM. Mr. President, I will not take long. This is a very simple amendment. It has two parts. One would be an addition of \$20 million for 30-millimeter antitank gun pods that would be for the Air National Guard and Marine Corps Reserve for the F-4D plane. This is a very effective antitank weapon. It is a very inexpensive weapon. It has been requested by the Guard and Reserves and I think shows clearly why it is important for us to keep our Guard and Reserves in top form with the best and most efficient equipment possible.

The second part earmarks \$5 million already in the bill for the desmoking of F-4D aircraft. The reason for this is that these planes, which were very effectively used in Vietnam, left quite a trail of smoke, which was easily detected. The desmoking kits have been put in all of the active planes now being used and it would certainly be, I think, very important to earmark this money for those that are now being used by the Guard and the Reserves.

There have been concerns raised about adding this additional money, Mr. President, at this time for the F-4D's, saying that we should be moving the F-16's, and the better planes we could be using in the Guard. This is true. I think we would all agree with that. But that is a very costly plane. It is going to be a long time before we move in that direction. So it seems to me we should be giving the Guard and the Reserves the best equipment that we can in the meantime.

The PRESIDING OFFICER. Is there further debate?

The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I hate to do this. I am forced to oppose the amendment by my friend from Kansas. Let me try to explain it. No. 1, we will accept the part for the smoke pod. The smoke box as it is called is a box that will eliminate smoke from an aircraft engine on takeoff particularly, and it also improves the operation of the engine. There is no question on that. But the \$20 million for gun pods is something that they do not need. To begin with, the F-4 aircraft started manufacture back in about 1957. I think the first one I flew around 1957 or 1958. It was a Navy aircraft at the time. Then it came to the Air Force. It is a supersonic aircraft.

It has two afterburners, and an almost 18,000-pound thrust engine. We have produced about 3,000 of these so far. There are 400 of the F-4's that have the 30-millimeter cannon; 48 of them are in the National Guard. I have to say, too, that the number 48 includes some modified A-7 aircraft. We have made the F-4A Phantom tactical fighter, the F-4G Wild Weasel, and the National Guard has six squad-

rons of the F-4C tactical reconnaissance aircraft.

Mr. President, giving \$20 million for these gun pods that sell for around \$200,000 a piece—I might say that the Guard already owns about 299 of these pods, and they weigh pretty close to 2 tons unless they have been modified. There is no question it is an excellent gun. I have been to the factory twice to watch them being made. I fired the guns in different aircraft. But the F-4 is now an old airplane, and growing older.

There is no provision in the administration position in HASC or in SASC for these guns. The guns would be delivered to the Guard and Reserve F-4D units, and they would also benefit from the fencing of funds to desmoke which I have already agreed to. There is an argument that we are not doing enough for the Air National Guard and Reserve itself.

Mr. President, I ask unanimous consent that a list of Guard and Reserve add-ons that are in this bill be placed at this point in my remarks, and they total over one-half billion dollars which is already in the bill.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Guard and Reserve add-ons—Army National Guard

(In millions of dollars)	
Program	Subcommittee recommendation
AH-1S Cobra mods.....	+30.0
Chaparral	+32.0
Improved TOW vehicle.....	+27.0
Miscellaneous equipment	+50.0
A-7d FLIR.....	+52.0
Communications equipment	+20.0
C-130H's	+149.0
C-130 spares.....	+6.0
C-131 modifications.....	+16.0
SH-2F helicopters.....	65.9
Combat engineering equipment...	20.0
T-700 engine R&D	17.0
Marine Reserves.....	20.0
Total.....	504.9

Mr. GOLDWATER. The argument is being made here that the gun pod is a high priority program for the Air National Guard. I have just spoken to the Commander of the Air National Guard. If he gets the \$20 million, he would much rather have the choice of where he puts that \$20 million because, according to the Guard, there are other higher priority programs to which the Guard would apply additional funds before they would procure additional 30-millimeter pods.

They include an improved 10 mill bombing computer for the F-4D's, which they are now in the process of being modified, upgrading the F-4D radar, and modifying the F-4D's to carry the AIM-7 and the AIM-9L missile. I do not think, Mr. President, that we here on the floor should dictate to the Air National Guard that the 30-millimeter gun is a higher priority than those that the Commander of

the Guard would like to have the liberty of spending the \$20 million on, if we allowed the \$20 million. So, Mr. President, I have to oppose that \$20 million portion of the Senator's amendment. But the smoke box which comes I believe to \$5 million—I believe I speak for the committee chairman when I say that—we would accept that.

NATIONAL GUARD AND RESERVES; A VIABLE AND COST-EFFICIENT PROPOSITION

Mr. DOLE. Mr. President, the combat, combat support, and combat service support forces of the National Guard and Reserves are a critical and essential part of our Nation's defense. For those reasons, I rise in support of the amendment of my fellow Senator from Kansas, and indeed, have agreed to cosponsor.

To bring the quantity and quality of National Guard and Reserves equipment up to acceptable levels is an extremely costly proposition. There is no Member in this Chamber today that is more concerned about fiscal restraint than this Senator. Nevertheless, this is a necessary and cost-efficient approach in dealing with three of the most serious problems affecting National Guard and Reserve aircraft and tanks. The Guard and Reserve Forces must be prepared and be maintained in a state of readiness for immediate use should the need arise.

The new and vital role of the Guard and Reserve components in our national defense is evident. The National Guard and Reserves possess not only a strong sense of duty and obligation, but the self-confident professionalism gained from training and experience. However, despite the fact that total force readiness has been rapidly improving, our National Guard and Reserves must possess the proper equipment to perform their missions. Active and Reserve units should have equal claim on modern equipment inventories. Therefore, it is not unreasonable to correct certain equipment deficiencies in the National Guard and Reserves.

We cannot afford to wait until world conditions dictate that we concern ourselves with the present quantitative and qualitative equipment problems. I, therefore, urge my colleagues to vote for this amendment so we can continue to correct the present deficiencies in order for the National Guard and Reserves to meet their full responsibility.

Mr. PRYOR. Mr. President, I am proud to be a cosponsor of this amendment, which takes a small step in the direction of strengthening our National Guard and Reserve forces.

For too long the Guard and Reserves have been treated like stepchildren by the armed services and have not received the credit or attention they deserve.

In terms of sheer size, the Army National Guard would qualify as the eighth largest army in the world. The Guard makes up 46 percent of our Army's combat forces and 37 percent of its support forces. The Air Guard and Reserves provide 65 percent of our air defense force and a significant portion of our tactical reconnaissance, tactical fighter force, tactical airlift and strategic airlift refueling capability.

The National Guard and Reserve provide all these services for less than 5 percent of the Defense budget.

Based on the "Vista 1999" report and on testimony before the Armed Services Committee, it appears that the most immediate need of the Guard and Reserves is for better equipment. Our amendment addresses three areas of concern:

First, the Guard and Reserve fighter force consists almost entirely of F-4D's. The problem with these planes, however, is a smoking engine which leaves behind a trail that allows the enemy an extra 90 seconds to aim and shoot down our pilots. Although a small desmoking program was begun in 1984, much more needs to be done, and the Air Force rejected efforts this year for more smoke kits.

Our amendment earmarks a modest \$5 million in the bill for desmoking kits, to be shared between Active and Reserve Forces.

Second, the most important Air Guard mission is ground support, and the 30mm anti-tank gun pods have proved to be the best antitank weapon available and relatively inexpensive. Although some Guard ground attack units have been equipped with this weapon, we feel that Guard and Reserve F-4's should have the same capability. If fully implemented, this program would cost about \$100 million; our amendment today adds \$20 million to get us started.

Third, the third element of our amendment would add no funds; it would simply halt the drain of Guard and Reserve tanks to our allies.

It also calls for a plan to modify the M-60 tanks, which have shown themselves to be highly effective as used by the Israelis in the Lebanon fighting. Until they are modified, however, they will present a grave danger to our own troops, who, if hit, are likely to be trapped inside the burning vehicle. The issue here is the survivability of our troops, and we should lose no time in making the same sort of modifications which have served the Israelis using the same tanks.

None of these items was addressed in this year's budget, and I congratulate Senator KASSEBAUM for taking the lead on these vital programs.

We must remember that the Guard and Reserve have a vital wartime role to play, and we should provide them

with adequate equipment—not just Active Force hand-me-downs. As Governor of my State, I was commander-in-chief of the Arkansas National Guard, and I urge all my colleagues who are former Governors to consider the valuable contributions of their own Guard Forces and support this amendment.

Mr. LEAHY. Mr. President, I have stated time and again on this floor that in the last few years our defense priorities have become overbalanced toward expensive and unnecessary nuclear weapons and gold-plated conventional systems, to the neglect of less glamorous aspects of our security. I see proof of this when looking at the deficiencies that plague our National Guard and Reserves.

The National Guard is supposed to serve as the first line reinforcement for our troops in Europe. After a number of discussions with senior officers of Vermont's Guard and Reserves, I have come away with the feeling that we are doing less than we should to ensure they have the equipment they really need to be combat ready.

While I realize that upgrading National Guard equipment is a long and expensive process, I do think the amendment that the Senator from Kansas and I are offering is a valuable step toward that goal.

Our amendment has two parts:

First, it will earmark \$5 million already in the bill for F-4 engine smoke kits. It is critical that engine exhaust smoke be eliminated if we expect our National Guard pilots to have any hope of success in combat.

Second, our amendment would add \$20 million to improve the Guard's ground attack and antitank capabilities by expanding the procurement of the 30mm antitank gun pods. Just as Air National Guard A-7 ground attack units have been equipped with this system, our F-4 units with a similar mission must have such a capability.

Originally, we had wanted the Secretary of Defense to provide a report on the Department of Defense plans to upgrade the tanks in our reserve component inventories. I was especially concerned because the Vermont brigade is an armored unit in the 50th armored division. The report was to include a program of concrete measures to increase Guard tank inventories and replace older outdated Guard tanks with more modern models able to combat Soviet armor.

In the interest of obtaining the other needed improvements, I have been persuaded not to pursue this part of our original amendment. However, in place of that, Senator KASSEBAUM and I will be sending a letter to the administration seeking information on plans for modernizing Guard and Reserve armor. I will study the response to see whether legislation directing improvements may be necessary.

I have received a number of letters from concerned members of the National Guard in Vermont strongly supporting this amendment of Senator KASSEBAUM and myself. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 14, 1984.

HON. PATRICK LEAHY,
Burlington, VT.

DEAR SENATOR LEAHY: I am writing as a citizen soldier and a concerned citizen of Vermont. I have devoted half of my life to the defense of our nation, on both a full-time and part-time basis. Consequently, the status of that defense is a high priority to me.

My concerns center on the allocation of modern equipment and weapon systems to the Reserve Components of our armed forces, specifically the Vermont Army and Air National Guards.

The Vermont National Guard trains with Korean War era tanks, the M48 series. Although they have been modernized and rebuilt to M60 standards, they still are not the technical or tactical equivalent of the M60, nor are they a tactical match for the Soviet systems we will face on any future battlefield. Request your leadership and support for the issue of M60A3 tanks to the Vermont Army National Guard, and other Reserve Component armor units.

The Vermont Air National Guard has recently reorganized and is tasked with a tactical mission in support of Air Force responsibilities for the defense of the United States. The F-4 is a fine aircraft with an impressive combat record. However, the public perception of the F-4 is one of smoke, noise and questionable necessity. The modernization of the F-4 through engine modification or replacement will allow for the continued vigilance of the Vermont Air Guard, but with a more supportive public. Request your support of this modernization program.

As a soldier, I am concerned with the battlefield survivability of our combat forces. Anti-armor weapon systems help assure that survivability. The air-land battle concept dictates use of tactical air forces to win that most important first battle, as well as subsequent confrontations.

The availability of technology in support of our forces has always been the forte of the United States. The anti-armor fighter-mounted weapons are an absolute must for victory. Request your support in modification programs to assure our survival on an armor-heavy battlefield.

I respectfully request your personal support of programs, as cited, to assure our survivability, if our commitment to deterrence fails. Thank you for your enlightened leadership and support in these matters.

Sincerely,

STEPHEN J. TIERNEY, Captain,
Vermont Army National Guard.

NATIONAL GUARD
ASSOCIATION OF VERMONT,
Barre, VT, June 12, 1984.

Senator PATRICK J. LEAHY,
Burlington, VT.

DEAR SENATOR LEAHY: I am writing as the newly elected President of the National Guard Association of Vermont, asking for your continued support to the Vermont Army and Air National Guard. We appreciate you and your staff's recent effort to

identify items of interest to the Reserve Components that contribute to the National defense. Thank you for your support.

I would like to solicit your support in three additional areas that are important to National Guardsmen and their continued effort to maintain readiness standards.

1. The ground-gaining forces need support in the continued development and deployment of the "anti-tank gun pod" used by fighter aircraft to counter enemy tank formations. Increased deployment of this Air Force weapons system is needed to realistically counter potential enemy armored warfare.

2. The Vermont Air National Guard is currently equipped with F4 Phantom aircraft. Request that you support an advanced schedule to re-engine all F4s with the more efficient, quieter, and smokeless engine. Quick conversion of all the nation's F4s would be beneficial to all units thus equipped.

3. The Vermont Army National Guard is currently equipped with the M48A5 tank. This is an older, third generation tank that offers little survivability on the battlefield when countering modern threat tanks. Request that you support the retrofitting of M60 series tanks to M60A3 status and issue those tanks to the Army National Guard.

Thank you for your consideration and support. I look forward to talking with you during future months.

Sincerely,

HOWARD C. LEWIS, President.

MONTPELIER, VT,
June 12, 1984.

HON. PATRICK J. LEAHY,
U.S. Senator,
Burlington, VT.

DEAR SENATOR LEAHY: As a citizen and a Vermont Guardsman, I am very concerned about the status of weapon systems currently found in both the Active and Reserve components of the U.S. Armed Forces. Namely, those systems and/or components are the Main Battle Tank (MBT), F4 Phantom jet and the armament currently used for anti-tank defense by most Alpha jet aircraft in the U.S. Air Force arsenal.

Presently, there is a great discrepancy between the Main Battle Tanks in the Army's armor fleet. In Europe, there is a two phase armor force modernization program whereby the former M60A3 MBT is being replaced by the M1 MBT while lower priority USAR-EUR units are converting from the old M60A1 MBT to the M60A3 MBT. However, there is now an indication that the excess M60A3 MBT's will replace POMCUS (Prepositioning of Material Configured Unit Sets) stocks of M60A1 MBT's. The crux of the problem with this trend is that Army units from the continental U.S. that will be using this equipment if and when they are mobilized in event of war will not have trained on the more sophisticated weapon system of the M60A3. If one conducted an in-depth survey of Reserve and Active component Armor Brigades within CONUS, I am certain that the results would be startling. Factually I know that many Reserve component units have only the M48A5 MBT which is three (3) generations behind the M60A3 (yet many of these same units will have POMCUS stocks of M60A3's).

Therefore, I would ask that you portion the Armed Forces Committees to start balancing the present armor fleet of MBT's by increasing the allocation of M60A3's to Reserve components. Thus, the Reserve components would train on the same equipment

that would enable them to fight outnumbered and win, in the European theatre.

In this same light, the Air Force has similar problems with their weapons delivery systems. The F4 Phantom jet is definitely hindered in its performance by an outdated engine system that creates an unneeded noise and smoke signature which allows for quick acquisition by enemy ground to air defense systems. Secondly, the noise and smoke pollution created by rapid acceleration (especially on takeoff) becomes a restricting factor on pilot sustenance training time due to civil-military concern over this unwanted pollution. Based on the above, I would ask that the retrofit of a more efficient engine system for the F4 be brought to the attention of the appropriate Armed Forces Committee.

Based on publicized threat estimates (5:1 ratio of Soviet Tank/Motorized Regiments vs U.S. Armor/Mechanized Forces in Europe) and the increasing priority strategists place on tactical air systems in the next Air-Land Battle, it would seem logical that short range fighter aircraft be outfitted with an anti-tank weapon system that would increase the number of weapons systems available to a ground/air commander in repulsing and eliminating the threat of armor attack. Presently, the tactical air support needed by a ground commander is limited due to the reliance on an over committed A-10 fighter to perform this mission. I realize that there are many solutions to the above, but a possible cost effective approach/solution might be an anti-tank gun pod adapted to those aircraft not so equipped.

In closing, I would appreciate your support of Congressional action that would provide for budget increases to design and improve the efficiency of the fore-mentioned weapon systems.

Thank you,
Sincerely,

CRAIG G. BIRCHARD.

VERMONT AIR NATIONAL GUARD,
Burlington International Airport, VT,
June 11, 1984.

HON. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: I am delighted to hear that you are co-sponsor of a bill that is near and dear to the hearts of F-4 drivers that potentially could have to fight with "Old Smoky". As you probably know, we are highly visible with our smoking engines unless we are in afterburner. This is not practical as it uses 4 times the amount of gas and severely cuts our range and fighting time down. Our business requires surprise and "see before being seen". All F-4 crews will be forever thankful if you are successful in selling the program to replace all F-4 engines with the smokeless modification.

Be happy to take you up in the first modified jet to demonstrate its effectiveness.

Sincerely,

JOHN D. LEONARD,
Colonel, VTANG, Air Commander.

BRISTOL, VT,
June 12, 1984.

Senator PATRICK J. LEAHY,
Burlington, VT.

DEAR SENATOR LEAHY: I am writing as a citizen and an Army National Guardsman. The defense of our nation is an extremely important priority to me, and I am concerned that emphasis is not being placed where needed

in the deployment and re-allocation of modern weapons systems.

There are three areas that I would like your support in, if possible:

1. The Army National Guard has M48A5 tanks. These have recently been rebuilt to M60 standards but still do not have the fire control and range finder found on the M60A3 or M1 tank. As set up now, the M48A5 is no match for the Russian T72 or T80 tank that we may be facing. Requests that M60A3 tanks be issued to the Army National Guard.

2. The Air Force has been issued a new anti-armor gun system that is mounted on fighter aircraft. This would increase U.S. tanks' survivability on the battlefield by squaring the odds against us. Request that all fighter aircraft be equipped with this new anti-armor gun pod system as soon as possible.

3. The Vermont Air National Guard is flying F4 aircraft now, and I understand they are supposed to be modernizing those F4s with new engines. Request that the modernization be completed as soon as possible. That will make Burlington quieter and smoke free (at least when the F4s take off).

Thank you for your support.

Yours truly,

ALLAN C. WILLEY.

JUNE 14, 1984.

Senator PATRICK LEAHY,
Federal Building,
Montpelier, VT.

DEAR SENATOR LEAHY: As a citizen of Vermont and a member of the Army National Guard I would like to take a few moments of your time to address some issues of concern to me.

I would like to express my support for several programs you will be addressing concerning our country's defense. They are; (1) Continued development and deployment of the anti-tank weapons PODS for fighter aircraft. There is no question in my mind that in the next conventional war all American equipment will need to have the most advanced tank fighting weapons available. I would urge you to support the funding of this program. (2) I believe it is extremely important that the engine of the F-4 fighters be up-graded as soon as possible. Just yesterday the Burlington Free Press carried an article concerning the noise of the F-4 fighters in Burlington. I believe that we should consolidate the three year program into a one year program to make these planes quieter, less smokey and increase their horsepower. This would be a good investment for our country. (3) This one is most near and dear to my heart considering I am a Tank Battalion Commander here in Vermont. Considering the National Guard is a large portion of our military strength, I believe that they should get first priority for the M-60A3's which are being replaced by the MX-1 tanks in Europe.

The up-grading of our equipment to M-60's would make the National Guard units much more interchangeable with the active army, particularly in the area of spare parts. In no way should we consider selling these weapons systems to other countries until we take care of our own needs.

I appreciate your time and effort and look forward to receiving some M-60A3's in Vermont soon.

Sincerely yours,

THOMAS D. KINLEY,
Major, VTANG, Commander 2-172, Armor.

MONTPELIER, VT,
June 12, 1984.

Subject: Request for support.
Senator PATRICK J. LEAHY,

Federal Building,
Montpelier, VT.

DEAR SENATOR LEAHY: As a member of the Vermont Army National Guard and the National Guard Association for the State of Vermont, there are three items that have come to my attention that I feel are of great importance to both the Army and Air Guard throughout the country and need your support:

1. Continued development and deployment of antitank pods for all fighter aircraft.

2. Retrofitting of the F-4 engines to increase horse power and reduce smoke and noise emissions. Request that in this area that the current three year program be reduced to a one year program.

3. Reallocation of M60 series tank to the guard and reserve as the active units receive the M1 tanks.

I feel these items are of great importance to the guard, not only in Vermont but nationwide. Any support that you may be able to provide would be greatly appreciated.

Thank you in advance for any support that you can provide.

Sincerely,

STEPHEN R. SANDS,
Major AR, VTARNG.

MILTON, VT,
June 11, 1984.

HON. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: Knowing of your concern in maintaining the readiness of the National Guard, I invite your attention to the following issues concerning both the Air and Army Guard.

On the Air Guard side, I'd like to mention the current technology which allows the F-4 Phantoms to be fitted with low-smoke producing engine which has many benefits in the combat arena. This modification is currently being made piecemeal. It would seem logical, both in terms of readiness enhancement and cost effectiveness, to work toward a fleet-wide contract. Additionally, the procurement of the attachable gun pod (G-POD 30) would further enhance the combat role of the F-4.

The Army Guard also suffers from a lack of the most current technology in its armored vehicles. The present fleet of tanks should be upgraded to approach state of the art. Without upgrading our tanks, the Guard will be considerably less effective in its significant role in the total force.

Sincerely,

RONALD H. MORGAN,
Lieutenant Colonel, VTANG.

The PRESIDING OFFICER. Is there further debate?

Mrs. KASSEBAUM. Mr. President, if I might respond briefly to the priority and trying to dictate them here, I would agree with the Senator from Arizona. But we have also had the request from many who have spoken on behalf of the priority of this need. The general of the Air National Guard from New Jersey was here just yesterday. I think as the Senator from Arizona knows far better than I the importance of the Guard, the needs of

the Guard, and realizes that sometimes there is a difference between the sitting Guard Board here, the active Board and the Department of Defense's interpretation of the needs of the Guard, and those who are out in the field, so to speak. I think there are those discrepancies that occur. Let me ask the Senator from Arizona. Would you have any objection to a \$20 million addition add-on if it does not specify the 30-millimeter antitank gun pods?

Mr. GOLDWATER. Yes. I would have to say as chairman of the Tactical Warfare Subcommittee, I do not know where we would find \$20 million more. As it is now, we are short literally hundreds of millions of dollars for tactical equipment that we know we have to have. So I cannot agree. I have not talked with the chairman, but I cannot agree to \$20 million more for any purpose in the Guard.

Mr. TOWER. Will the distinguished Senator from Kansas yield to me for a moment?

Mrs. KASSEBAUM. I am happy to yield.

Mr. TOWER. We already have an add-on of \$1½ billion for the Guard at our own initiative for everybody's Guard and Reserve interests. We sort of came up together, and got a package based on the top priority. The 30-millimeter pod was not among them. It is still not regarded as a high priority, and not a requested item. So if the Senator from Kansas could permit rather than add on, I would prefer that come out of the hide of the \$500 billion package we already have in, and permit the Guard itself to establish its priorities. They have several that are actually more pressing priorities than the 30-millimeter pod. I think we can make that judgment just looking at what the requirements are, and what they need.

Mr. GOLDWATER. If the Senator will further yield, I understand perfectly well how the National Guard operates. I happen to be one of the people who organized the Air National Guard nationally after World War II.

I used to delight in coming to Washington at this time of the year in my civilian clothes as a colonel in the National Guard, walking into a four-star general's office, and giving him literal hell about what I wanted, and I usually got it because it was political. Well, I then went into the Reserve. When I had to wear my uniform back there as a colonel and salute a four-star general, I did not get much. I understand full well the pressures that are being put on not only the Senator from Kansas, but probably every Senator in this body, from the visiting National Guardsmen, Air Guardsmen, and ground.

I have had, I do not know, 20, 25 people in town from Arizona wanting everything in the books. We do not

happen to have a fighter outfit. So they did not mention 20-millimeter cannon, but they all want new engines for their tankers, and they want their tankers repainted. We are doing the best we can. But I have to remind my friend from Kansas who has been one of the strongest objectors to defense spending that we are just plumb out of money.

Mrs. KASSEBAUM. Indeed, I have, and I could find some other places in the budget where I would of course feel that it could come out of, be added here, and could be used more effectively. But we all make judgment calls. I am appreciative of your needs. I have been a very strong supporter. It is not that there is not money in this defense budget for the Guard and Reserves. But proportionately to some of the needs, it really is not very much. If the Senator from Arizona would feel we could add \$20 million but not specify the gun pods, then I would certainly feel that would be acceptable.

But I think that it does not allow us the improvements that I believe to be necessary.

Mr. TOWER. If the Senator will yield, we have to choose between the valid military requirements. Even at that we plussed up our Guard and Reserve account \$500 million more than was recommended by the Defense Department. So we have already taken money out of programs that they have recommended. But the \$20 million add-on gets us up to busting our ceiling.

If the distinguished Senator from Kansas has specific areas which she would like to take this money out of, that is the problem.

Everybody says, "Cut defense. Cut it. Take that \$14 billion out that the President recommended, bring it down to \$299 billion, and then take some more out."

We come out on the floor and nobody agrees with what we have done because maybe an airbase here or a naval station there did not get what their Representative or Senator wanted. That is tough.

What I am saying to the distinguished Senator from Kansas is that you have every Guard unit in the country coming here to tell you what they need. They can mention that they need it badly, that it is more important than a battleship, the MX, or anything else, such is their readiness. We have to make some evaluations about these things. Obviously, every Member is going to have some idea about some Guard or Reserve interest that they believe is well served by our spending money on it.

Mrs. KASSEBAUM. I believe the Senator from Arkansas wants to speak, but I would first like to say that this is part of the recommendations made in the fiscal 1990 report. It is something that has been looked at. It

is not just the various units requesting this. In fact, I would be glad to exclude Kansas and make this apply exclusively to combat units. Kansas has only training units. I would be happy to do that because I believe it is an important emphasis. It is not just a parochial interest being served. It was presented to us with reports from many of the units from around the country.

Mr. TOWER. I would like to suggest that I get convinced sometimes about these things being of top priority, but, on close examination, I find that they are not.

Mr. PRYOR. Will the Senator from Arizona yield?

Mr. GOLDWATER. Did the Senator want to ask a question?

Mr. PRYOR. Yes; I am a cosponsor of the Kassebaum amendment. I have not had the opportunity during these few short moments to discuss with the Senator from Kansas a possible solution to the problem.

In view of the fact that the Guard has testified or stated on several occasions that the program of putting smoke kits on the F-4's is ultimately about a \$25 million program, as I understand it, and we have \$5 million in the Kassebaum proposal, I am wondering if it might not be a reasonable approach to take \$25 million total funds rather than earmarking for the pods, and then trying to obtain the additional money for the pods, say roughly the \$30 million, from the \$500 million the distinguished Senator from Texas made reference to in his comments with regard to upgrading the National Guard.

I do not know, frankly, whether that would be agreeable to my colleague, the chief sponsor of this legislation.

Mr. GOLDWATER. If the Senator will yield, I have conferred with the Commander of the Air National Guard. His statement, and I have to agree with it, is if we can give the Guard another \$20 million, he has places of much, much higher priority to place \$20 million than remodeling of the F-4's that are now in the National Guard inventory.

If there had been some specific request for that money during the hearings that we held, during the ample and full hearings on the subject we are discussing now, I have no question that we would have put it in. But now, with \$500 million more being added to the Guard and Reserve, and never having had any case made for the 30-millimeter gun pods, we cannot add those on, but we can put the \$5 million on to continue the modification of the smoke pods, or boxes. I am sure that we can consider a continuing expenditure for that in next year's budget.

Mr. PRYOR. It is my understanding that there has been testimony given before the Armed Services Committee that one of the very highest priorities

in the Air Guard is the smoke kits for the F-4's. It is my understanding that the \$5 million that Senator KASSEBAUM, myself, and others are proposing is only a beginning of this program and would not complete the program.

My proposal is this: If we funded, say, \$25 million and earmarked that for the smoke kits, and left the pods to the good discretion of the National Guard and the \$500 million extra add-on for the Guard, I am wondering if that might not be a proposed solution to the dilemma at this time.

Mr. GOLDWATER. I can understand the Senator's thinking, but in drawing up our budget with such great limitations placed on it, I do not know how much more it would take. For example, the Guard never testified before us as to how many millions of dollars it would take to supply every F-4 aircraft with the smoke pod. I know it makes a better engine out of it. As I say, next year, if the Guard will come in and spell out before my committee, I feel very certain that we could supply the Guard with the money when we know exactly what they need it for.

I think the commanding general wants the 10 MIL bombing computer, and we now have to use the old iron sight bombsight for the F-4, which is not too satisfactory. The old F-4D radar has had difficulty all through its life. The life in Vietnam was 45 minutes, whereas the average radar in a transport aircraft might be 6 or 8 months. We want to modify the F-4D's, and this would apply mostly to the National Guard aircraft, to carry the A-7 and A-5L missiles.

I cannot make any promises as to whether we can take part of the \$20 million and spend it on smoke pods this year. I would feel very hesitant in doing it. As I tried to explain to my good friend from Kansas, the Air National Guard has a whole lot of aircraft. They have F-16's, F-4's, A-7's, KC-135's, and everybody wants something done to them. I am happy to report that a lot of that work is done in Kansas and they do a good job.

If I, as chairman of the Tactical Warfare Committee, would say to my friend, "Yes, I will give you \$5 million for this," I will have a whole contingent in tomorrow who want their airplanes repainted, they want air-conditioning put in, they want the new avionics systems.

I am sorry, I have to say no. But we will agree to the \$5 million for the smoke pods. I think that is quite a victory.

Mrs. KASSEBAUM. That is already in the bill. That is not an additional amount. It is earmarked in there.

Mr. President, the Senator from Arizona said there has not been any request. I am sure, as he knows, in the original DOD 1985 budget, there was a request for 85 of the gun pods by the

Marine Reserves. That was taken out at the last minute.

Mr. GOLDWATER. That was for the Marines. The Marines did not request it again this year, so we did not supply it.

Mrs. KASSEBAUM. That is right.

Mr. GOLDWATER. I checked on that and the Marines are not requested again this year, so we did not supply that.

Mrs. KASSEBAUM. I see, Mr. President.

If I may, I do not see any need to prolong the debate.

Mr. GOLDWATER. I can make the Senator this promise, because I happen to have a real affection for this wonderful airplane. I have a deep affection for the Air National Guard, being sort of a grandpappy of it. I promise the Senator that I shall hear this in the next year's hearing on improving the F-4, maybe even pass what the Senator is asking for. The Air National Guard is going to fly these birds and I think they are good up until the 1990's. I want to see them have the best aircraft we can supply them with. I am sure the money the Senator is asking for plus a little more than we might put in will bring them all up to real combat top.

Mrs. KASSEBAUM. I wish to suggest, Mr. President, that I would like to amend my amendment to have the \$20 million addition, but not targeting it to the 30-millimeter gun pods, leave that at the discretion of the Senator. It would be a \$20 million addition, and with that amendment to the original amendment, I shall agree and I request the yeas and nays.

The PRESIDING OFFICER. Is the Senator modifying her amendment?

Mrs. KASSEBAUM. I am, Mr. President.

The PRESIDING OFFICER. Will the Senator please send the modification to the desk?

Mr. GOLDWATER. Mr. President, if the Senator from Kansas wants to push this amendment, I shall offer an amendment in the second degree as follows:

On line 2, strike beginning with "\$940,000,000" through the end of line 4 and insert in lieu thereof the following:

"\$20,000,000, all of which may be expended for the procurement of 30 mm gun pods should the Director of the Air National Guard deem such gun pods to be of sufficiently high priority."

This would do exactly as I have suggested, Mr. President. It would permit the Director of the Air National Guard to spend \$20 million to secure the gun pods if he determines it to be of sufficiently high priority. I would much prefer, however, to simplify the whole thing, in view of the fact that we are providing a half billion more than was asked for Air and Ground Guard and Reserve, I would rather have the amendment of the Senator

from Kansas defeated. It would eliminate the necessity for any more arguing about it.

The PRESIDING OFFICER. The Senator has the right to modify her amendment. The modification having been sent to the desk, the amendment is so modified.

The amendment (No. 3273), as modified, is as follows:

On page 8, line 9, strike out "\$20,000,000" and insert in lieu thereof "\$40,000,000, of which not less than \$20,000,000 shall be used for the exclusive use of the Air National Guard and the Marine Corps Air Force Reserve."

On page 9, between lines 2 and 3, insert the following new subsection:

(e)(1) Not less than \$5,000,000 of any funds appropriated for Air National Guard equipment pursuant to the authorization contained in subsection (a) shall be used for the procurement of so-called "smoke kits" for the F-4 aircraft.

(2) On and after the date of the enactment of this Act for the fiscal year 1985, for each F-4 aircraft in the Regular component of the Air Force that is "de-smoked," at least one F-4 aircraft assigned to the Air National Guard or the Air Force Reserve shall be "de-smoked."

(3) It is the sense of Congress that the F-4D "smoke kit" modification program for the Air National Guard and Air Force Reserve should become priority program and should be the subject of requests for increased funding commencing in the fiscal year 1986 Department of Defense budget request.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GOLDWATER. Mr. President, will the Senator accept this perfecting amendment?

The PRESIDING OFFICER. Is there a sufficient second for the yeas and nays? There is a sufficient second.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, what is the vote being called on?

The PRESIDING OFFICER. The yeas and nays are being ordered on the amendment as modified by the Senator from Kansas.

Mr. GOLDWATER. Has the modification been accepted?

The PRESIDING OFFICER. The modification has been accepted.

Mr. GOLDWATER. I do not believe my amendment has been accepted yet, so I do not know how we can vote on it.

AMENDMENT NO. 3274

Mr. GOLDWATER. Mr. President, I send the amendment to the desk and ask that it be read. I ask the sponsor of the original amendment to accept this second-degree amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. GOLDWATER] proposes an amendment numbered 3274, as a perfecting amendment to the Kassebaum amendment No. 3273, as modified.

On line 2, strike beginning with "\$40,000,000" through the end of line 4 and insert in lieu thereof the following: "\$20,000,000, all of which may be expended for the procurement of 30mm gun pods should the Director of the Air National Guard deem such gun pods to be of sufficiently high priority."

Mr. GOLDWATER. Mr. President, I think that will satisfy me. I am ready to vote if the Senator is.

Mr. TOWER. Mr. President, may I have the attention of the Senator from Kansas?

Mrs. KASSEBAUM. Yes, Mr. President.

Mr. TOWER. Mr. President, if the amendment of the Senator from Arizona is acceptable to the Senator from Kansas, we can vitiate the yeas and nays.

Mr. GOLDWATER. Will the Senator repeat that?

Mr. TOWER. I was about to say that if the amendment offered by the Senator from Arizona is acceptable to the Senator from Kansas, we could vitiate the yeas and nays.

Mrs. KASSEBAUM. Perhaps the Senator from Arizona could clarify his amendment, because essentially, it does not do a lot. As I understand it, it would simply say that the funding that is already in the budget for the Guard Reserve would have earmarked—

Mr. GOLDWATER. Mr. President, it would not say that at all. It has no reference to what is presently contained in the budget. It merely permits the director of the Air National Guard to spend \$20 million of those funds to procure 30-millimeter gun pods if he determines them to be of sufficient priority. And the \$5 million for smoke kits are already in. I am not taking that out.

Mrs. KASSEBAUM. But it would be \$20 million of the funds that are already there if he deems—

Mr. GOLDWATER. \$20 million of authorized funds, yes. That is about the only way we can do it.

Mrs. KASSEBAUM. It is not the only way, I suggest.

Mr. GOLDWATER. Well, we do not have any money lying around.

Mr. PRYOR. Mr. President, may I ask this question of the distinguished Senator from Alabama? Would the \$5 million for the smoke kits be in the program—

Mr. GOLDWATER. That would stay in the amendment. I am only modifying line 2 in the original amendment and would start the modification of F-4's of all types, those desired, with the smoke pods. Next year, as I say, we can consider the continuation of that program and other programs as the director of the Air National Guard wants.

Mrs. KASSEBAUM. Mr. President, let me just say the hour is late and I certainly do not wish to continue this. Senator STENNIS has supported this

effort. I have had statements from Senator DOLE and Senator LEAHY.

I can accept Senator GOLDWATER's amendment. However, of course, it really eliminates the additional \$20 million that I had hoped to add at this time. I hope that through this debate, we have asserted the importance of this matter. I hope that the sitting board here of the Guard will take into consideration the desires of the units out in the field, because this is, indeed, where we frequently run into difficulty. I do not intend to prolong the debate at this time.

Mr. GOLDWATER. I repeat to my dear friend this is how we write the budgets for the ground and air reserve. The commanders come in and tell us what they have found out they want in the field. Then about this time, about the time we get to page xxi which has the money for the Guard Reserve, all the units start coming in here and telling all of us what they want.

For example, my outfit in Arizona is a tanker outfit. They do not care about F-4's. Do you know what they want? They want us to buy a bunch of C-12 Beachcraft airplanes made in Kansas. I do not think they need them so they are not going to get them. That is about the way it runs.

Mrs. KASSEBAUM. I am sorry to hear that, too.

Mr. TOWER. Mr. President, I ask unanimous consent the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the second-degree amendment of the Senator from Arizona.

The amendment (No. 3274) was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Kansas, as modified.

The amendment (No. 3273), as modified, was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3275

(Purpose: To prohibit use of funds to divert cargo for consolidation or reduction of ports of call for breakbulk shipments on Military Sealift Command Vessels with a Pacific Ocean destination less than the number of ports used on January 1, 1984)

Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. DENTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama [Mr. DENTON], for himself and Mr. HEFLIN, proposes an amendment numbered 3275.

Mr. DENTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 128, between lines 12 and 13, insert the following new section:

RESTRICTION ON DIVERSION OF CARGO CARRIED ON MILITARY SEALIFT COMMAND VESSELS

SEC. . None of the funds appropriated pursuant to an authorization contained in this Act may be used by the Department of Defense to divert cargo on a permanent basis for any consolidation or reduction of the number of ports of call for breakbulk shipments carried on Military Sealift Command vessels with a Pacific Ocean destination which would be fewer than the number of ports of call which were being utilized by such ships on January 1, 1984.

Mr. DENTON. Mr. President, the amendment I introduce is straightforward and involves no increase in obligations or expenditures.

The amendment addresses a problem affecting our national capacity for shipment of goods to support our Armed Forces and national interests overseas, particularly during a period of national emergency.

The amendment states that the Department of Defense may not, on a permanent basis, divert break-bulk cargo, that is, noncontainerized cargo, from ports from which it is now shipped for the purpose of reducing the number of ports below the number in use as of the first of the year.

I have discussed my amendment with other Senators who have an interest in the maintenance of our sealift ability, and its diversification, and I am under the impression that it has the support of the managers.

I thank the Chair.

Mr. NUNN. Mr. President, is the amendment of the Senator pending?

The PRESIDING OFFICER. Yes.

Mr. NUNN. I do not want to interrupt the Senator. Is the Senator finished for a moment?

Mr. DENTON. Yes, I am.

Mr. NUNN. Mr. President, we have been over this and, as I understand it, this is the amendment that was presented, I believe last night, although the time is hard to keep up with under this procedure. But as I understand what the Senator has done, he has scratched out the words "or any other" so that this amendment reads "none of the funds appropriated pursuant to an authorization contained in this act." That would make this provision applicable for 1 year rather than permanently and would not be as broad an application. And he has also eliminated the words "as a temporary test or." That means that it could be a temporary test but not on a perma-

nent basis and we are limiting it to 1 year. Is that the understanding of the Senator?

Mr. DENTON. The Senator is correct as to the wording and as to the intent.

Mr. NUNN. Mr. President, I have no objection to the amendment. I thank the Senator for his cooperation in working this out.

Mr. WARNER. Mr. President, I join with my distinguished colleague from Alabama.

Mr. WARNER. Mr. President, I rise to join the Senator from Alabama in this important amendment.

For 5½ years I served in the Secretariat of the Department of the Navy.

From that experience, I know that the ability of our Nation to mobilize the necessary sealift and port-handling capability to move the vast quantities of war materials to a forward site during a conflict is directly related to the quantity and type of port facilities and personnel dedicated to this activity.

Our capacity to handle break-bulk cargo today is far more limited than those required to effectively support mobilized and deployed forces.

The proposed action by the Department of Defense would serve to further restrict the already limited capabilities of our Nation.

Last week I cosponsored with Senator BYRD a measure related to this issue.

That measure established a Commission on Merchant Marine and Defense to examine our current merchant marine capability and provide recommendations for improving our sealift capacity.

As I noted last week during discussion of the Byrd-Warner amendment, the Joint Chiefs, in their fiscal year 1984 posture statement, emphasized the importance of sealift during a conflict as follows:

Successful response to global contingencies depends upon sufficient mobility assets to project combat forces rapidly and sustain them in the theater as long as necessary to meet U.S. objectives.

In general, airlift will transport deploying forces during the early days of a crisis until sealift begins to arrive.

These movements will include personnel and equipment to use prepositioned stock.

As the crisis progresses, sealift will provide the vital sustaining power for deployed forces, and will ultimately account for 90 to 95 percent of the total cargo delivered over an extended period of time.

Mr. President, it is obvious that our ability to transport large amounts of material during a conflict will absolutely depend on our sealift capability.

Last week, in discussing sealift, we concentrated primarily on the ship portion of the sealift equation.

Senator DENTON's amendment deals with an equally important aspect of sealift, which is the ability of our port

facilities to rapidly handle and load material aboard seagoing vessels.

It makes little sense, in my opinion, to address the question of merchant shipping and defense sealift as required by the Byrd-Warner amendment while DOD is taking actions which will reduce port capability which offset overall sealift.

The amendment offered by Senator DENTON, which I am cosponsoring, would have DOD discontinue the series of actions currently in process that would reduce the capability of at least five U.S. port facilities.

I applaud the actions of the Department of Defense in their efforts to cut costs.

In this case, however, the potential savings which might accrue from consolidating break-bulk cargo operations into a single port are far outweighed by the serious impact such an action would have on mobilization capability.

Mr. President, I commend the distinguished Senator from Alabama and urge my colleagues in the Senate to support this amendment.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I send an amendment to the desk on behalf of myself and Senator MATHIAS and ask for its immediate consideration.

Mr. DENTON. Mr. President, is my amendment pending?

The PRESIDING OFFICER. The amendment of the Senator from Alabama is pending.

Mr. SARBANES. I withhold the amendment.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. I join with Senator DENTON in this amendment. I believe it has been worked out and is agreeable to both sides. I congratulate Senator DENTON. I also thank Congressman JACK EDWARDS, of Mobile, who had some ideas on these matters that have been incorporated into the amendment. I fully support it. I move the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Alabama.

The amendment (No. 3275) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3276

(Purpose: To authorize the conveyance of certain land at the United States Naval Academy to the Naval Academy Athletic Association)

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I call up the amendment on behalf of myself and Senator MATHIAS.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] for himself and Mr. MATHIAS, proposes an amendment numbered 3276.

Mr. SARBANES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 218, between lines 7 and 8, insert the following new section:

LAND CONVEYANCE, ANNAPOLIS, MD

SEC. 293. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Naval Academy Athletic Association, a nonprofit organization located in the State of Maryland (hereinafter in this section referred to as the "Association"), all right, title, and interest of the United States in and to approximately 4.3 acres of unimproved land comprising a portion of the United States Naval Academy, Annapolis, Maryland.

(b) In consideration for the conveyance under subsection (a), the Association shall pay in the United States an amount equal to the appraised fair market value of the property to be conveyed (as determined by the Secretary).

(c) The unimproved land to be conveyed under subsection (a) shall be land that was conveyed by the Association to the United States in 1965. The exact acreage and legal description of the land to be conveyed shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Association.

(d) If the Secretary determines that—

(1) the land conveyed under subsection (a) has not been expeditiously developed by the Association for a use compatible with and in support of the activities of the United States Naval Academy, or

(2) the Association has not so used the land and the improvements on the land for any period of one year or more beginning after the development of the land has been completed,

all right, title, and interest in and to the land, including the improvements on the land, shall revert at no cost to the United States, which shall have the right of immediate entry thereon.

(e) The Secretary may require such additional terms and conditions under this section as he considers appropriate to protect the interests of the United States.

Mr. SARBANES. Mr. President, the amendment which I have offered for myself and my distinguished colleague [Mr. MATHIAS] is one which will trans-

fer a parcel of land at the Naval Academy in Annapolis to the Naval Academy Athletic Association, a nonprofit corporation whose sole function is support of the Academy's programs. The purpose of this transfer is to facilitate construction of facilities in support of the Naval Academy facilities which will be financed by the Athletic Association.

This particular piece of real estate was originally part of a larger tract of land comprising 16.9 acres of unimproved land which was sold to the Navy by the association in 1965. The land covered in this amendment is a 4.3-acre portion of this original lot which will be sold back to the association at a fair market value to be determined by the Secretary of the Navy.

This amendment will involve no cost to the Government. Indeed, it will represent a net gain.

Mr. MATHIAS. Mr. President, the purpose of the amendment offered by my colleague from Maryland and me is to authorize the Secretary of the Navy to convey roughly 4.3 acres of unimproved land currently part of the Naval Academy to the Naval Academy Athletic Association at fair market value. The NAAA is a not-for-profit organization that promotes and supports the Academy and its teams. The association is the original owner of the property to be sold and plans to construct a motel for official visitors and tourists.

This sale meets both the objectives of optimum use of the property for visitor housing and full, fair return to the Government for the land. I understand that the proposed project meets with the approval of local officials and community leaders and would be constructed in accordance with local zoning and preservation regulations.

This amendment has been included in the other body's version of the fiscal year 1985 military construction authorization bill.

Mr. NUNN. Will the Senator yield for a brief question? There have been questions raised directly from the Army as to whether this amendment, if it passed, might be of assistance and aid to the Navy football team.

Mr. SARBANES. I am not sure that amendment will provide the assistance that is needed.

Mr. NUNN. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment (No. 3276) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3277

(Purpose: To authorize \$6,800,000 for military construction at the Naval Submarine School, New London, CT)

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 3277.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 157, between lines 22 and 23, insert the following:

Naval Submarine School, New London, Connecticut, \$6,800,000."

On page 185, line 20, strike out "\$2,351,581,000" and insert in lieu thereof "\$2,358,381,000".

On page 185, line 23, strike out "\$1,161,555,000" and insert in lieu thereof "\$1,168,355,000".

On page 5, line 2, strike the numeral and insert "12,191,400,000".

Mr. WEICKER. Mr. President, the purpose of my amendment is to authorize \$6.8 million to build a new classroom facility to house the Basic Enlisted Submarine School at the Naval Submarine Base New London, in Groton, CT.

While not requested in the budget and not approved by the committee, the project has been authorized by the House. The Navy has had a valid, documented need for this project since December 1976. There is general agreement that the project is fully justified in every respect. It has had to be deferred in the past because of a need to fund higher priority projects elsewhere. We have reached a point where further delay is no longer reasonable. The time has come to authorize the project.

The conglomeration of buildings that comprise the school today are in terrible condition, having been constructed in 1940-44—some as temporary buildings. Though not officially condemned, these buildings are unfit for use. There are structural deficiencies, uncorrectable fire hazards, which have been repeatedly cited by fire inspectors, there is no air-conditioning, and there are no effective barriers between classrooms, and an overall shortage of space. If you could see these buildings, you would be appalled.

The school is the only place in the Navy where prospective submariners are given a preliminary indoctrination on the inner workings and complexities of the nuclear-powered submarine. In the course, which is 6 weeks in length, they are taught the fundamentals of how to operate a submarine

and are also screened for suitability for submarine duty. Of the 5,000 students who are trained there each year, more than 50 percent report directly to a submarine for duty. The number trained at the school is projected to increase to an annual total of 6,000 by the late 1980's, rendering the need for new facilities all the more compelling. Even if project were approved today, the new building would not be ready for occupancy until 1986.

The most important function of the school is to instill the highest performance standards possible for those men about to enter the submarine service. The dilapidated state of these buildings does not facilitate the accomplishment of that goal. In my opinion, it is wrong to spend \$750 million to buy one SSN-688 class submarine and then fail to provide adequate facilities to train the men who must operate it. This is just one more example of how the Department of Defense fails to strike a proper balance between procurement and readiness or operation and support programs.

In line with the chairman's policy regarding amendments, I am proposing an offsetting reduction in the Trident submarine program, for which the committee is recommending an authorization of \$1.5 billion. Due to anticipated contract savings, a reduction of \$6.8 million can be easily accommodated in a program of this size with no adverse effects whatsoever.

As you all know, I have consistently been in favor of cutting the defense budget where such cuts eliminate wasteful and unnecessary programs. This is not the case with the Basic Enlisted Submarine School. The House has authorized two additional projects at the Naval Submarine Base, New London, that were not requested in the budget. While they may be justified, I am asking that only one—the most important one—be authorized.

Mr. President, I understand that as a result of discussions with the floor managers of the bill both sides are willing to agree with this amendment. This is a noncontroversial amendment, and I urge its adoption.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, before the Senator made his excellent presentation, I had serious reservations about the amendment. But, having heard the persuasive argument and having been briefed by staff, and having also talked to the majority and knowing the Senator from Connecticut and his diligent and thorough work, I will accept the amendment.

Mr. WEICKER. I thank my distinguished friend.

The PRESIDING OFFICER. The question is on agreeing to the amend-

ment of the Senator from Connecticut.

The amendment (No. 3277) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3278

Mr. WILSON. Mr. President, I have an amendment that has been cleared on both sides. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 3278.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 3, insert after the word "Defense" the following: "and of which \$5,000,000 is authorized only for the purpose of adapting Free Electron Laser technology to medical applications and medical research. None of the \$5,000,000 authorized for the purpose of adapting Free Electron Laser Technology shall be taken from amounts authorized for appropriations in this Act for basic research and exploratory development."

Mr. WILSON. Mr. President, this amendment seeks to fence \$5 million from the roughly \$4.5 billion that is allocated in the defense authorization bill for research by the defense agencies to promote a medical application of free electron laser research. Free electron laser is a laser that will selectively destroy human tissue, permitting removal of unwanted tissue, stop internal bleeding, and modify abnormal tissue without affecting adjacent normal tissue.

The great advantage of the free electron laser is that its wavelength can be tuned to the absorption of almost any animal tissue, thus theoretically allowing medical operations previously unobtainable.

We would safeguard basic technology research, so that this \$5 million would not affect that. This represents an obvious civilian benefit from defense research.

This amendment has been cleared on both sides.

Mr. TOWER. Mr. President, I am perfectly prepared to accept the amendment of the Senator from California.

Mr. NUNN. Mr. President, I have talked to the Senator from California about his amendment. We have looked into it.

It was brought up in committee, and it was delayed so that we could get

further information on it on both sides.

Former Senator Curtis of Nebraska also spoke to me about this. He has been involved in this. It does have significant potential for the purpose of medical research, and I recommend that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3278) was agreed to.

Mr. WILSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3279

(Purpose: To insure that the rate of hazardous duty incentive pay for enlisted crewmember flight pay is equitable with such pay for non-crewmember duty)

Mr. TOWER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes an amendment number 3279.

Mr. TOWER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out lines (1) through (2) on page 39, and insert in lieu thereof the following:

(c) The table at the end of section 301(b) of title 37, United States Code, is amended to read as follows:

Pay grade	Years of service computed under section 205—						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-9.....	\$131	\$131	\$131	\$131	\$131	\$131	\$131
E-8.....	131	131	131	131	131	131	131
E-7.....	110	110	110	110	113	119	131
E-6.....	110	110	110	110	110	113	119
E-5.....	110	110	110	110	110	110	113
E-4.....	110	110	110	110	110	110	110
E-3.....	110	110	110	110	110	110	110
E-2.....	110	110	110	110	110	110	110
E-1.....	110	110	110	110	110	110	110
E-4 under 4 months.....	110	110	110	110	110	110	110
Aviation cadets.....	110	110	110	110	110	110	110

Pay grade	Years of service computed under section 205—						
	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
E-9.....	\$131	\$131	\$131	\$131	\$131	\$131	\$131
E-8.....	131	131	131	131	131	131	131
E-7.....	131	131	131	131	131	131	131
E-6.....	119	125	125	125	125	125	125
E-5.....	119	119	119	119	119	119	119
E-4.....	110	110	110	110	110	110	110
E-3.....	110	110	110	110	110	110	110
E-2.....	110	110	110	110	110	110	110
E-1.....	110	110	110	110	110	110	110

(d) The amendments made by this section shall apply to duty performed on or after October 1, 1984.

Mr. TOWER. Mr. President, my amendment is designed to avoid a situation, which if uncorrected, would result in an unacceptable difference in the rates of hazardous duty incentive pay for certain enlisted personnel participating frequently and regularly in aerial flight.

Included in the bill are provisions that elevate the rate for hazardous duty incentive pay for nine types of hazardous duty performed by enlisted members to \$110 a month, the same rate payable to officers who perform such duty. One of those nine types of duties is the frequent and regular participation in aerial flight as a noncrewmember.

Hazardous duty incentive pay is also paid to enlisted members who perform aerial flight as crewmembers. That form of hazardous duty is compensated at rates based on grade and years of service, rather than at a flat rate.

Because of the increases proposed for other hazardous duties, a situation would arise in which enlisted members performing flight duty as crewmembers would be paid at a rate less than those flying as noncrewmembers. The Air Force has advised that this could affect all crewmembers in pay grades E-4 and below and some in grades E-5 and E-6, and that this inequity could create severe morale problems among its flying personnel.

Therefore, my amendment would increase the rate of hazardous duty incentive pay for enlisted crewmember flight duty to a minimum of \$110 a month, the same amount paid to enlisted noncrewmembers performing flight duty.

Mr. NUNN. Mr. President, I agree with the assessment of the Senator from Texas on this matter. It is an inequity that I think he is correcting with his amendment, and I recommend its approval.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3279) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3280

(Purpose: To extend the time by which the report of the commission established by the Military Justice Act of 1983 must be forwarded to the Committee on Armed Services of the Senate and House of Representatives)

Mr. TOWER. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Texas [Mr. TOWER] proposes an amendment numbered 3280.

Mr. TOWER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Part I of title I of the bill, insert the following new section:

Sec. . Section 9(b)(4) of the Military Justice Act of 1983 (Public Law 98-209, 97 Stat. 1393) is amended by striking out "first day of the ninth calendar month" and inserting in lieu thereof "fifteenth day of the twelfth calendar month".

Mr. TOWER. Mr. President, the Military Justice Act of 1983 required the Secretary of Defense to establish a nine-member commission to study judge-alone sentencing in noncapital cases, suspension of sentences by military judges, the confinement powers of special courts-martial, tenure of military judges, and the retirement system of the Court of Military Appeals. The act requires the report to be submitted not later than September 1, 1984. The Commission, which by law includes three experts from the private sector, has been working diligently on this study. As part of its analysis, the Commission has designed a detailed survey on these issues to be completed by counsel, judges, and commanders in the field. The initial expectation was that the survey could be completed and tabulated in July. However, it has now been determined that the results may not be completed until mid-September. Although the Commission could complete its work without the survey, the quality and utility of the study would be enhanced considerably by inclusion of this data. The proposed amendment would move the deadline to December 15, 1984.

Mr. NUNN. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3280) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3281

(Purpose: to make technical corrections in part J of title I of the bill relating to the codification of certain recurring provisions of law)

Mr. TOWER. Mr. President, I send to the desk another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Texas [Mr. TOWER] proposes an amendment numbered 3281.

Mr. TOWER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 128, line 19, strike out "issue of" and insert in lieu thereof "the issuance of authorized".

On page 128, line 22, strike out "authorized issues of articles" and insert in lieu thereof "issue of authorized articles".

On page 129, line 20, strike out "authorized issue articles" and insert in lieu thereof "issue of authorized articles".

On page 130, strike out line 22 and all that follows through line 5 on page 131 and insert in lieu thereof the following:

"Funds appropriated to the Department of Defense may not be used for research involving a human being as an experimental subject unless—

"(1) the informed consent of the subject is obtained in advance; or

"(2) in the case of research intended to be beneficial to the subject, the informed consent of the subject or a legal representative of the subject is obtained in advance.

On page 131, beginning on line 25, strike out "any member of the armed forces or civilian employee of the Department of Defense while such member or employee" and insert in lieu thereof "a civilian employee of the Department of Defense while such employee".

On page 132, beginning on line 6, strike out "member, employee," and insert in lieu thereof "employee".

On page 133, line 10, strike out "enlistments" and insert in lieu thereof "enlistment".

On page 134, line 16, strike out "personnel" and insert in lieu thereof "persons".

On page 134, beginning on line 18, strike out "such care" and all that follows through line 19 and insert the following: "such care (other than elective private treatment) in private facilities for members of the armed forces".

On page 142, beginning on line 12, strike out "Secretary of the Army, Navy, or Air Force" and insert in lieu thereof "Secretary of the military department concerned".

On page 145, line 13, strike out "tips," and insert in lieu thereof "tips; or".

On page 145, line 15, strike out "706, 707, and 716" and insert in lieu thereof "706 and 707".

On page 146, after line 3, insert the following:

(d) Section 809 of the Department of Defense Appropriation Authorization Act, 1979 (10 U.S.C. note), is repealed.

Mr. TOWER. Mr. President, this is a technical amendment to correct several drafting errors in part J of title I of the bill which have been identified by the legislative counsel.

I believe that the staff of the floor manager for the minority have seen these amendments and I am aware of no objections, I therefore move the adoption of the amendment.

Mr. NUNN. Mr. President, we have no objection to the technical amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3281) was agreed to.

AMENDMENT NO. 3282

(Purpose: To correct a drafting error in section 142 of title I of the bill)

Mr. TOWER. Mr. President, I call up another technical amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Texas [Mr. TOWER] proposes an amendment numbered 3282.

Mr. TOWER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, lines 1 and 3, strike out "1985" both times it appears and insert in lieu thereof "1984".

Mr. TOWER. Mr. President, this is a technical amendment to correct a drafting error in section 142, title I of the bill which has been identified by the legislative counsel.

I believe that the staff of the floor manager for the minority have seen this amendment and I am aware of no objections. I therefore move the adoption of the amendment.

Mr. NUNN. Mr. President, there is no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3282) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3283

(Purpose: To promote the use of methanol by the Department of the Army)

Mr. LEVIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 3283.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 10 on page 11 insert the following new section:

(e)(1) Of the funds authorized to be appropriated by subsection (a) for the Army, the sum of \$1,300,000 shall be available only for—

(A) the purchase of new methanol cars;

(B) establishing the reliability and durability of such vehicles in laboratory and fleet tests;

(C) testing a percentage of the methanol fleet in cold weather environments and;

(D) resolving related support functions for the safe and efficient storage, distribution, and the use of neat methanol fuel for such vehicles.

(2) The Secretary of the Army shall submit a written report to the Committee on Armed Services of the Senate and the House of Representatives not later than September 30, 1985, on the progress of the methanol fuel program referred to in paragraph (1).

None of the funds authorized pursuant to section (e) above shall be taken from amounts authorized by appropriations in this Act for basic research and exploratory development.

Mr. LEVIN. Mr. President, this is essentially the same amendment as the Senate adopted 2 years ago but which we dropped in conference.

The amendment authorizes \$1.3 million within the Army's \$4.6 billion research and development account in order to test a methanol car fleet.

It requires a report by the Army on the methanol program no later than September 30, 1985.

The Department of Defense is the single largest energy consumer in the United States, and it is appropriate that it actively pursue the research and development of methanol in a car fleet.

The research and development effort authorized in my amendment will not only benefit the armed services, but will also benefit other Government agencies who have methanol R&D programs.

My amendment authorizes \$1.3 million for research and development of methanol within the Department of the Army. The funds should be used for the purchase of new methanol cars and testing of the fleet. Although my amendment does not specify all of the necessary research needed on methanol, it does specify that the Army test a percentage of the methanol fleet in cold weather bases, test the reliability and durability of the fleet and develop storage and distribution plans for the use of methanol. In addition, the Secretary of the Army is required to submit a progress report to the Senate Armed Services Committee and the House of Representatives no later than September 30, 1985.

Encouraging the use of methanol in the Department of Defense makes good sense. Secure fuel availability is a preeminent military concern in wartime, and the variety of potential feedstocks may make methanol available when oil-based fuels are not. Furthermore, there may be additional military applications for methanol, other than its automobile fleet. The potential to use methanol in DOD should be explored in light of the vulnerability to national energy supply disruptions of oil.

One of the real needs in the further development of methanol use, is extensive testing in cold weather. Although small demonstration projects in cold weather have been conducted

in Canada and Norway, these are not well documented in technical literature.

Another area which should be investigated is the distribution and storage of methanol. In other words, the Army should devise a plan to make the use of methanol viable. Plans must be made on where and how many methanol pumps should be installed by the Army. There is also question whether methanol should be shipped through interstate pipelines.

I offered a similar amendment in 1982, which was accepted in committee and passed as part of the fiscal 1983 Defense authorization. The funding level approved then was approximately the same as in my amendment today. The need for such a program remains, and I urge the passage of the amendment.

I understand that it has been cleared on both sides of the aisle.

Mr. President, I ask unanimous consent to have pertinent material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROVISIONS OF LEVIN METHANOL AMENDMENT

1. Authorizes \$1.3 million in the Army R&D program for the purchase of new methanol cars and R&D on methanol by the Army.

2. Requires the Army to test a percentage of the methanol fleet in cold weather bases.

3. Requires the Army to specifically analyze the delivery, storage, distribution and dispensing requirements for utilization of neat methanol in its fleet.

4. Requires the Secretary of the Army to submit a written report to the Committee on Armed Services of the Senate and the House of Representatives on the progress of the Army's R&D methanol program no later than September 30, 1985.

Mr. TOWER. Mr. President, there is no objection to the amendment on this side.

Mr. DIXON. Mr. President, this side has no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3283) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3284

(Purpose: To limit the contracting out of certain core logistics and readiness functions)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for Mr. HOLLINGS, proposes an amendment numbered 3284.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Part I—General Provisions, page 128, line 13, add the following new section:

CONTRACTING-OUT CORE LOGISTICS ACTIVITIES

SEC. (a)(1) It is essential for the national defense that Department of Defense activities maintain a logistics and readiness capability (including personnel, equipment, and facilities) to ensure a ready and controlled source of technical competence and resources necessary to ensure effective and timely response to a mobilization, national defense contingency situations, and other emergency requirements.

(2) The Secretary of Defense shall identify those logistics activities that are necessary to maintain the logistics capability described in paragraph (1).

(b)(1) Except as provided in paragraph (2), performance of a logistics activity identified by the Secretary of Defense under subsection (a)(2) may not be contracted for performance by non-Government personnel under the procedures and requirements of Office of Management and Budget Circular A-76 or any successor administrative regulation or policy (hereinafter in this section referred to as "OMB Circular A-76").

(2) The Secretary of Defense may waive paragraph (1) in the case of any logistics activity and provide that performance of such activity shall be considered for conversion to contractor performance in accordance with OMB Circular A-76. Any such waiver shall be made under regulations prescribed by the Secretary of Defense and shall be based on a determination by the Secretary that Government performance of the activity is no longer required for national defense reasons. Such regulations shall include criteria for determining whether Government performance of a logistics activity identified under subsection (a)(2) is no longer required for national defense reasons.

(3) Any waiver under paragraph (2) will be identified by the Secretary of Defense in a report to the Committees on Armed Services of the Senate and House of Representatives.

(c) Identification of logistics activities that are necessary to maintain the logistics capability described in subsection (a)(1) shall be completed, and a report describing those activities (including a detailed specification or listing) shall be submitted to the Committees on Armed Services of the Senate and House of Representatives, not later than April 1, 1985.

Mr. BIDEN. Mr. President, I offer this amendment on behalf of the Senator from South Carolina [Mr. HOLLINGS].

I understand from Senator HOLLINGS' staff that this amendment has been cleared on both sides of the aisle.

Mr. President, this amendment is offered on contracting out because Senator HOLLINGS believes it may settle once and for all much of the controversy surrounding this tumultuous issue.

Mr. HOLLINGS. Mr. President, I am very pleased to offer this amendment on contracting out because I believe it may settle once and for all much of the controversy surrounding this tumultuous issue.

I want to point out to my colleagues that this is not an anticontracting out amendment.

This amendment recognizes the need for the Government to have the ability to perform its functions in the most effective and least costly manner—and this will often involve the contracting out of jobs to private industry. What I am proposing is very simple and straightforward. My amendment requires that the DOD identify those activities that are considered critical logistics and readiness tasks in fulfilling the military mission of the activity involved.

The key words are critical logistics and readiness tasks and mission essential activities. These are the basic jobs that should be under the direct control of the DOD because they are absolutely necessary for mobilization programs, national defense contingency situations, and other emergency requirements.

All of us are besieged from both sides of the contracting out issue. Private industry would like many Government jobs open to contracting. Government unions would like to prevent contracting out. I believe there is a middle ground that we in Congress and the Executive can agree on.

Mr. President, this amendment would require the Secretary of Defense to prepare a list of key logistics and readiness functions and submit this list to the Armed Services Committee of each House by April 1, 1985. The list would then constitute those defense functions that would not be contracted out under the precedures of OMB Circular A-76 precluding such contracting when not in the interest of national security.

This amendment is consistent with ongoing efforts within the DOD to identify logistics functions that would be exempt from A-76 review. I believe that the amendment is a responsible one, and I thank the chairman of the committee for his willingness in working with me on this matter.

I would also urge the chairman of the committee to retain the Senate language in conference instead of accepting the very broad provisions of the House bill prohibiting contracting out. The House bill includes a moratorium on contracting out of core logistics functions that is written in a way that would virtually prohibit all contracting out. I believe the approach embodied in my amendment is much more preferable, and I would ask the floor managers to resist changes to the Senate language. This includes opposition to (1) the moratorium provision—which I understand the House is will-

ing to drop and (2) the House provision for a 30-day waiting period after submission to the Congress before a waiver allowing contracting out of previously prohibited activities takes effect.

In my view, we should not go beyond the provisions of my amendment, and I would hope the chairman of the committee could assure that.

Mr. BIDEN. Mr. President, I move the amendment.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. DIXON. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment (No. 3284) was agreed to.

Mr. NUNN. Mr. President, I thank the Chair.

AMENDMENT NO. 3285

(Purpose: To limit the obligation of funds for the high mobility multipurpose wheeled vehicle pending the completion of follow-on evaluation testing)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 3285.

Mr. ROTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, after line 16, insert the following new section:

HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLE

(a) None of the funds appropriated pursuant to the authorization of appropriations in section 101 may be obligated for the high mobility multipurpose wheeled vehicle until—

(1) follow-on evaluation testing of such vehicle has been completed as currently scheduled;

(2) the Secretary of the Army has reported to the appropriate committees of the Congress the results of such testing and based on such test results has provided written assurance to the committees that continued production of such vehicle is in the national interest; and

(3) a period of at least 10 days has elapsed after the day on which the committees have received the report and the written assurance referred to in subsection (a)(2) above.

(b) The report required by subsection (a) shall—

(1) include a comprehensive description of the actions taken or planned in response to the results of such testing;

(2) identify areas, if any, where such testing indicates that such vehicle does not meet the reliability and maintainability requirements in the contract for such vehicles; and

(3) indicate the action that will be taken with regard to those areas identified in paragraph (2).

Mr. ROTH. Mr. President, this amendment has a simple but important purpose. It would prohibit the obligation of fiscal year 1985 funds for the production of the high mobility multipurpose wheeled vehicle or HMMWV until follow-on evaluation tests on the vehicle are completed and evaluated. In addition, it would require the Secretary of the Army to report to the Congress on the results of the tests, on what will be done to correct the problems and deficiencies in the weapon uncovered during the tests and would require as well the advice in writing of the Secretary of the Army that the production of the HMMWV is in the national interest. Congress would have 10 days to review the Secretary's report before the Army could obligate fiscal year 1985 funds.

Mr. President, it is critically important that weapons being developed by the Defense Department are thoroughly and objectively tested. It is just as important that the results of those tests are used in making the modifications necessary to ensure that the weapons we produce and buy are as effective when fielded as possible.

There are two basic types of testing used in defense weapon programs: Development testing, used to determine whether or not a weapon will satisfy engineering standards and contractual specifications and operational testing normally conducted under simulated battlefield conditions to determine whether or not a weapon will work effectively to protect our troops once deployed.

Unfortunately, the operational testing conducted on many weapons is inadequate, unrealistic or limited and test results in some instances are ignored. In hearings I convened in my Committee on Governmental Affairs last year, we heard from the General Accounting Office that the operational testing was so inadequate in some cases that weapons are being deployed without assurance that they will meet performance expectations.

Mr. President, my aim in offering this amendment is to ensure that the Army carefully considers and uses the operational test results on the HUMMWV before committing substantial amounts of fiscal year 1985 production funds on the vehicle. The evidence indicates that this four-wheel-drive truck, which is being built by the Army for its use as well as for adaptation by the Air Force and Marines, appears to be a generally capable machine but it has experienced numerous failures during operational tests and has had significant mechanical problems in a combat environment.

Despite the evidence developed during the testing process that the weapon will not yet perform its mission reliably and successfully, the

Army has already awarded a \$1.2 billion multiyear contract for the production of 55,000 HMMWV's and plans to authorize full scale production to begin shortly. This is the largest tactical wheeled vehicle contract ever awarded by the Army. We should do everything we can to ensure that the vehicle will work effectively when fielded before we spend too much money producing it. That is the aim of my amendment.

Mr. President, I believe the Congress must show the Defense Department we are serious about preventing the expenditure of the taxpayers' dollars on inadequately proven weapons. The all too typical pattern in defense weapon programs is for operational tests to be conducted poorly or under substantially compressed time schedules, for test results to be ignored and for weapons to be produced despite poor performance in testing and sometimes serious reliability or operational problems. All too often, we field weapons even though we know they may be ineffective and may cost substantial amounts of money to retrofit and redesign once they are deployed.

I believe the HMMWV presently has serious reliability problems. Initial operational tests showed these problems. Yet, in the face of poor operational test results, the Army awarded a multiyear contract for the HMMWV and it will begin full-scale production in the not too distant future.

The GAO just completed a review of the HMMWV which I have released. The GAO states in its report that the Army's decision to approve production of the HMMWV despite its poor performance in operational testing was a breakdown of the acquisition process. We should not perpetuate this breakdown by allowing the obligation of fiscal year 1985 production money before the test results on the HMMWV have been gathered and analyzed.

One of the problems GAO found was that the HMMWV has not received the high level attention such a large program deserves. The Army designated the program nonmajor instead of major as is normally required for procurement programs whose estimated costs exceed \$1 billion. By doing this, the program never received high level review in the Army, or in the Office of the Secretary of Defense. To quote from the GAO report on the HMMWV:

So far as we could determine, it was not until after the production contract was awarded (for HMMWV) that the low reliability scores achieved in operational testing on the weapon became known at the higher levels in the Office of the Secretary of Defense and the Department of the Army.

Mr. President, in the operational tests that were conducted last year, the HMMWV fell short by a wide margin of achieving reliability require-

ments due to various hardware malfunctions. The vehicle achieved an average of only 367 miles between mission failures versus a requirement of 1,300. Despite the recommendation of Marine Corps evaluators in February 1983 that further operational tests be conducted before the Defense Department committed major amounts of production dollars, the advice was ignored. The Army in March 1983 awarded a 5-year contract for 55,000 vehicles, each one to cost between \$20,000 and \$30,000.

Mr. President, I believe the HMMWV is a significant and important weapon program. All I am saying is that before we commit \$1.2 billion to its production, let's do everything we can to get it right.

The real problems with the HMMWV have surfaced during the operational tests. More tests are tentatively scheduled for this fall. My amendment simply ensures that the Army will conduct operational tests on the HMMWV, which it only reluctantly agreed to schedule, and show us what it has done to make the HMMWV work as a result of those tests, before we spend fiscal year 1985 funds on the vehicle.

My amendment will allow us to take advantage of the production delays in the HMMWV to ensure that it is thoroughly tested and made to work as well as possible before we find ourselves with hundreds or even thousands of unreliable vehicles on our hands.

Mr. President, I urge the adoption of my amendment and ask my colleagues for their support.

Mr. ROTH. Mr. President, this amendment has a simple but important purpose.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. QUAYLE. Mr. President, will the Senator yield for a question?

Mr. ROTH. I am happy to yield.

Mr. QUAYLE. I wonder if the Senator could tell us has he been recently briefed by the Army on where the HMMWV stands in the latest position of this program? Has the Senator been briefed by the Department of the Army, which is the contracting service?

Mr. ROTH. I have been briefed by the contractor and by the Army staff.

Mr. QUAYLE. You have been briefed by the Army?

Mr. ROTH. By the contractor, not by the Army.

Mr. QUAYLE. Not by the Army. The Army is the contracting service, but you have not been briefed by the Army or the contracting officer or anybody else that is running the program, is that correct?

Mr. ROTH. I am saying to the distinguished Senator that we have had this matter reviewed by the General

Accounting Office, the watchdog for the Congress. It is their report that was just issued. They point out that there is a lack of reliability, that this particular vehicle does not meet the requirements as far as maintenance is concerned. It is supposed to run without maintenance for over 320 miles when in fact it only runs 82 miles. That means in effect if you went from here to New York, it would require maintenance almost three times. It is this reliability that is the problem. And of course we are relying upon the work of the General Accounting Office, which is the watchdog for the Congress.

Mr. QUAYLE. I wonder if the Senator might tell me at what time did that test run. I do not think it was 82 miles. I think you meant the average of 356 miles. What time was that? Was that last month, 2 months ago, 2 years ago?

Mr. ROTH. Let me point out, I mean 82 miles.

Mr. QUAYLE. Complete failures; is that correct?

Mr. ROTH. No; that is not correct. There are two different categories involved here. One is unscheduled maintenance test. This vehicle is supposed to operate 320 miles without requiring an unscheduled maintenance action. Instead, during the operational test, it only averaged 82 miles.

There is what is known as the mission failure. In that case, it was supposed to run 1,300 miles without mission failure, but in fact it only ran 367 miles.

Mr. QUAYLE. I wonder if the Senator knows that this deficiency that is referred to has been cleared up; that the Department of the Army now certifies this has been cleared up. I wonder if the Senator also knows that a number of other deficiencies they found in the operational testing and development have also been cleared up?

Mr. ROTH. Unfortunately, I will have to disagree with my distinguished colleague. That is not the fact. As a matter of fact, there are scheduled now two different additional sets of tests. They propose, I think it is in August, what they call the initial production test. That is supposed to be a test that runs 7 months. And then there is what is known as the follow-on operational testing. That will begin in September. That is the operational test that will show whether or not the vehicle is reliable, as required under the specifications.

Mr. QUAYLE. If the Senator would further yield, I was certainly aware that the full evaluation tests must go forward; that, as a matter of fact, that they are scheduled to do this. They are scheduled to do this this summer and this fall. But I also want to know,

How old is the data that the GAO study is predicated upon?

Mr. ROTH. I am advised that the General Accounting Office checked just within the last 2 weeks with the contracting officer for the Army and reconfirmed its data.

Mr. QUAYLE. I might add, according to the information we have, the report of the GAO is based on data that is 2 years old. This comes from information that we have.

Furthermore, the Senator referred to in his press release that on this testing work on the HMMWV we had a goal of 1,300 miles between failures and that during the testing the problems arose which resulted in obtaining only 356 miles between failures. Tests now have been made and the latest estimates are over 5,000 miles without a failure.

Given that statistic, I wonder if the Senator might agree they certainly have improved this HMMWV that he does not think is a very good piece of equipment.

Mr. ROTH. Well, let me answer the Senator. First of all, it is important to distinguish from the so-called developmental test and the so-called operational test. It is true that the vehicle in its developmental test has met a number of requirements. That was true when the five vehicles were tested over 2 years ago.

But what we are talking about is not developmental tests, but operational tests. An operational test is supposed to test the weapon under simulated wartime conditions to ensure that the weapon will do what it is supposed to do in the field.

The fact is that this weapon is not seen as reliable. It is not seen as reliable because of the reasons I have already spelled out. It does not meet the maintenance requirements. It does not meet the so-called mission failure requirements. That is the reason further tests are going to be conducted this fall.

What I am suggesting is that it is important that, before we proceed with large-scale production, we ensure that the operational tests are successful. It is important to understand—and I would call this to the attention of my colleagues—that the failures that result in the operational tests must be corrected at the cost of the Government. It is that that I want to prevent. We think it is important, before we go into large-scale production, that we have ironed out or eliminated these

problems, so that the retrofitting is not at Government expense.

The Government itself admits that further tests are required. As a matter of fact, they are engaged in renegotiating the terms of the contract and the production.

Basically, I would point out to my distinguished colleague that what we are proposing here is very reasonable. It has been worked out. We have been in close contact with various members of the military as well as the General Accounting Office. All we are proposing is that the operational tests proceed and, upon their completion, the Army report to the Congress, to the Armed Services Committees of the House and Senate, the results of those operational tests to tell, what is being done to eliminate any problems that may be uncovered, and to give the Congress 10 days to react.

This will in no way interrupt or interfere with the process. But I think it is about time that we make clear to the military that not only are we concerned about schedules, and about getting into production, but we want to do it on a cost-effective basis.

Mr. TOWER. Will the Senator yield?

Mr. ROTH. Yes; I yield.

Mr. TOWER. I suggest what the Senator is attempting to do here will add to the cost. This is a good contract. GAO is not always 100 percent right.

Let me point out that under the terms of this contract there will be extensive testing conducted on 17 of the first production line vehicles and the contractor is required, by the terms of the contract and at his own expense, to fix any defects where the vehicle does not meet the reliability and maintainability requirements in the contract.

It seems to me the Army has done everything right in this particular procurement. They did not try to reinvent the jeep. They used existing technology. They used the leverage of competition to get a favorable price and wrote the best possible protection for the Government in the contract.

If the Senator insists on his amendment and it passes, it means an abrogation of that contract and one that will cost us more.

Mr. ROTH. I would just answer the distinguished chairman that I have to respectfully disagree. First of all, I would point out that the U.S. Marine Corps itself recommended that the

Army not proceed with production. In its report of last year, February 7, 1983, it specifically says in its recommendations:

It is recommended that (a) no HMMWV candidate as tested be approved for service use; (b) that the Army conduct operational training of the system prior to the commitment of major quantities of production dollars.

I have to say that to proceed now without further testing is in conflict with what the Under Secretary of the Army himself has said.

Mr. QUAYLE. Will the Senator yield at that point?

Mr. ROTH. No; I will not yield at that point.

Mr. QUAYLE. Well, the Senator is just wrong.

Mr. ROTH. I have the floor.

As I was saying, the Under Secretary of the Army has insisted that further tests be made because he is concerned about the reliability of the weapon.

All we are asking here is to make certain that the tests are carried out under operational conditions, that the results of those tests be analyzed, and that a report be made to the Congress through the Armed Services Committee of the House and Senate, and that they not be permitted to proceed until this is accomplished. I think it is an important message to give to the military, that they must follow their own procedures and regulations, which has not been the case with the HMMWV weapon.

I yield the floor.

Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, I rise to take strong exception to this amendment. The fact is that we are going to go ahead, have the testing and evaluation on the HMMWV, and further testing and evaluation later on this summer and this fall as scheduled.

So anyone that says we are not going to have other developmental testing and operations is simply not stating the record accurately. Furthermore, I would like to insert in the RECORD, Mr. President, that all of the deficiencies that were pointed out in that initial operation and testing have either been corrected or will be corrected. I ask that these corrections be inserted in the RECORD at this particular time.

There being no objection, the corrections were ordered to be printed in the RECORD, as follows:

DT/OT problem	Correction	Shakedown status
Tires, wheels, runflats:		
Flat tires	Add Nylon breaker plies to tread for a stronger tire, reduce runflat device width	Four tires flat in 20,000 vehicle miles vs. 23.5 per 20,000 miles during DT II.
Cracked wheel disc	Larger diameter drive hub, thicker wheel material	No failures experienced during shakedown testing.
Deformed, cracked clamp ring	Clamp ring material thickness changed from .110" to .180"	Do.
Loose, missing rim studs/nuts	Changed studs from grade 5 to grade 7	Do.
Incandescent lamps: Inoperative side marker lamps.	Relocate side marker lamp assembly mounting	Bulb life did not improve with a revised mounting. A new configuration bulb is currently being evaluated on extended shakedown vehicles. Preliminary results indicate an improvement in bulb life.

DT/OT problem	Correction	Shakedown status
Brake pads: Excessively worn	Improved caliper with increased brake pad to guide rail clearance, revised linkage. Established post-operation cleaning procedure for extreme mud conditions.	Improvement in pad life has been experienced during shakedown testing. Alternate pad friction materials are also being evaluated for further improvements.
Shock absorbers:		
Leaking	Shock absorber mechanical jounce stop revised to prevent seal rupture	Two shock absorbers developed leaks during extended shakedown testing. This represents an improvement in shock absorber consumption from the DT II rate of approx. 5 per 20,000 vehicle miles to 1 per 20,000 miles at shakedown testing. It should be noted that the shakedown shock leaks were not the result of impacts with the mechanical jounce stop.
Separated lower mount stems, cracked mount cushions.	Stem-type lower mount revised to eye-type.	No failures experienced during shakedown testing.
Separated upper mount stem connection.	Incorporation of eye-type mount at both ends to accommodate suspension angularity during articulation.	Do.
Accessory drive pulleys and belts: Excessively worn aluminum pulleys and belts.	Revised pulley coating to preserve use of aluminum to attain light weight configuration.	No incidents of pulley or belt wear have occurred during shakedown testing.
Mirrors:		
Cracked mirror arms.	Stronger arm.	No failures experienced during shakedown testing.
Loose pivots.	Revised mounting, prevailing torque nuts on pivot points.	Occasional minor loosening has occurred during shakedown testing and is being corrected by the crew during scheduled services.
Engine performance: Air contamination of fuel system.	Reconfigured fuel system.	No failures experienced during shakedown testing.
Hood, hood latches and supports:		
Cracked hood.	Production material to be stronger than prototype material.	Production material just became available and is on extended shakedown testing.
Loose, broken latches.	Revised latch mounting, higher tension latches.	Latch is performing satisfactorily on the shakedown vehicles.
Loose, worn hood supports.	Change in support design.	Supports improved in wear during shakedown testing, but not up to the standard we would like. A new support material is being evaluated on extended shakedown vehicles.
Geared hubs, upper and lower ball joints:		
Fractured geared hub housing.	Material change from cast aluminum to nodular iron.	No failures experienced during shakedown testing.
Loose lower ball joints.	Increased strength lower ball joint fasteners.	Do.
Brake pedal pushrod:		
Separated primary pushrod.	Redesigned linkage and rod.	Do.
Separated secondary pushrod.	Redesigned linkage to eliminate the secondary pushrod.	Do.
Deep water fording: Water contamination of major components.	Pressurized vent system.	Do.
Tie rod brackets: Cracked.	Redesigned as a clevis-type bracket.	Do.
Parking brake: Pedal not releasing.	Park brake system redesigned from a foot actuated system to a hand actuated system.	Problems have been encountered with the rod-type linkage. This linkage has been changed to a cable-type system on Extended mileage vehicles. Final test results are not yet available.
Air induction system:		
Water-Mud contamination of air filter.	Installed baffles in air cleaner box.	No failures experienced during shakedown testing.
Separated hood-to-intake seal.	Redesigned hood to eliminate the need for a seal.	Do.
Dirt contamination of engine.	Redesigned air plenum-to-intake manifold seal.	One incident of engine dirt ingestion occurred at shakedown testing due to an faulty seal. This seal had been redesigned again and is being re-evaluated during extended mileage testing.
Driver's seat:		
Cracked seat frame welds.	M151-type seat used for production.	No failures experienced during shakedown testing.
Failed adjustment mechanism.	Simplified adjustment mechanism.	Do.
Front prop. shaft:		
Worn center support bearing.	Bearing eliminated by redesign to one-piece from prop. shaft.	Do.
Worn U-joints.	Reduced U-joint angularity.	Do.
Battery hold downs: Allow batteries to move.	Redesigned hold downs and battery tray.	Do.

Mr. QUAYLE. Furthermore, the data that the Senator from Delaware refers to in his GAO report is 2 years old; furthermore, the Senator from Delaware has not talked to the Department of the Army. I spent 2 hours with the contracting officer last Friday in my office going through each one of the points that was raised by the Senator from Delaware. Each one of those points were resolved. They could have been resolved had the Senator from Delaware called in the contracting officer from the Department of the Army, sat down, and gone over with him those particular points. But no, we are not doing that. We are here at the floor at 2 a.m. with some GAO report that is outdated, that is misleading, and taking up the Senate's time on a very, very valid, good program. The Senator from Texas is absolutely right. What the Senator from Delaware would like to do is make sure you get cost effectiveness. This program is a good program. They have corrected the deficiencies. They are now beyond the requirements that they talked about.

If the Senator from Delaware's amendment were to survive tonight, it will delay this program, money in the pipeline for this contract, and a lot of the subcontractors in the country would be delayed. There would be a lot of problems out there, even though it is only going to be for 90 or 120 days. There is absolutely no reason to pick

on this program that is fully justified, that is meeting all the requirements, and that is on schedule.

I obviously happen to be very concerned about this because of the impact that it may have on my particular State. That is an additional responsibility that we have. But this amendment is only going to delay. It is not going to add one iota to efficiency. The deficiencies have been spotted. They have been worked out. There will be further developmental testing. There will be further operational testing. And I think that it is high time that these type of amendments that are just put up here and based on some data that comes out of the GAO or somewhere else be called for what they are; that is, nothing more than nuisance amendments that have no substance whatsoever. I am sorry that we have got to take up the Senate's time with this right now. We are not going to go forward with the people in my State, and the people that have put in long, hard work on this program, and the implication of this is that the people in the Department of the Army the Senator has not even talked to, and the contracting officers are somehow not living up to what they say they are. I can assure you after the meetings that I have had that I am fully convinced beyond any reasonable doubt that the data will show that.

Mr. President, I have reviewed the General Accounting Office report, entitled "Premature Decision to Produce the High Mobility Multipurpose Wheeled Vehicle," and would like to comment on its findings and recommendations. While they represent some of the typical problems we encounter in the development and production of our major weapon systems and other defense equipment, with respect to this particular program, they are not significant impediments to fielding this important replacement for our current general utility and light cargo trucks and ambulances.

First, the GAO criticized the Department of the Army for designating the HMMWV as a "nonmajor" program, thereby removing oversight by the Defense Systems Acquisition Review Council, or DSARC, and its service counterpart, the Army Systems Acquisition Review Council. Review at these two levels is considered to constitute attention by senior executives within the defense establishment. Instead, the Army delegated oversight to a "lower level In-Process Review Board" which is comprised of representatives from all three services. What the GAO report fails to mention is that a prospective procurement of over a billion dollars does not escape the attention of either the service Secretaries or the Secretary of Defense. Everyone who understands how the Department of Defense works, including the Senator

from Delaware, will agree that the Army decision to manage the program in-house, while consulting with the other services, was evidently cleared by higher level executives after adequate advance notice.

Second, the GAO criticized the condensed acquisition strategy that would field the system in 5 years rather than 7. The implication here is that this is somehow an adverse management decision. On the contrary, fielding systems in shorter timeframes saves taxpayer dollars over the long run if designs are stable and required quantities are known.

Related to this point, is GAO's criticism that the Army improperly compressed the testing schedule from 14 months into 5 months by conducting development and operational testing simultaneously—a practice which would not be acceptable to any prudent program manager. However, in all fairness, it should be pointed out that developmental testing is usually the type which occurs for completely new programs, with new or unproven technologies. While the HMMWV is a newly configured system, automotive transportation and basic combat support is not something that employs "state of the art technology."

The Army considered this vehicle a low risk technology and proceeded to their next stage of development. In July 1981, the initial development for the HMMWV was competitively awarded to three companies for the production of 11 prototypes each to be run off against each other. This process is a reasonable equivalent for the normal "developmental" testing process that the GAO is so concerned about. The outcome of this runoff resulted in the Army awarding AM General of Detroit a 5-year, multiyear contract for the production of about 55,000 variants of the HMMWV, worth about \$1.2 billion. This contract was to incorporate all the "developmental" and operational testing results and corrective procedures which would make the HMMWV acceptable to the Army.

Like any new product, working out the bugs takes time, but this is the natural order of things and can be accommodated within the first year's production models. In affirming their position, the Army officially informed the Under Secretary of Defense for Research and Engineering on May 10, 1984, that the initial developmental testing plus an analysis of the proposed corrections to the development testing/operational testing [DT/OT] conducted from April to November 1982 did constitute sufficient grounds of which to issue a production contract. They reinforced their position that HMMWV was a low risk program which incorporated many commercial engineering applications and parts.

Mr. President, in an effort to get to the heart of this situation, I have requested both the Army program manager and representatives from the prime contractor to explain the problems encountered to date and either what has been done to resolve them or what will be done. I would like to point out that the attached list, which I have submitted for the RECORD, is typical of how minor problems are discovered during scheduled testing, resolved and immediately incorporated into the production models.

As an example of how this testing process works, the HMMWV had a goal of 1,300 mean miles between failures [MMBF]. During testing, however, problems arose which resulted in obtaining only 356 mean miles between failure. After corrections were made the latest test resulted in over 5,000 miles without a failure.

I would like to point out—especially since all of the minor problems will be worked out by the time the Army gets its first production vehicles—that the probability of a new problem occurring which did not show up in either the previous development or operational testing is highly remote. In other words, low risk.

The GAO report eventually focused on two rather noncritical questions: Whether the initial test results reasonably supported the decision to issue a multiyear contract, and whether the scheduled production vehicles tests will be sufficient to establish the HMMWV's reliability. In response to the first question, public and private sector production decisions on a particular item are not postponed until all the kinks have been worked out, but are pursued when no major obstructions exist and when any minor problems are within a high probability of being worked out without impairing the item's performance. The HMMWV fits into this normal business practice. The decision to go with a multiyear contract is also prudent business practice. One of the purposes of a multiyear contract is to encourage production stability and economies while encouraging new capital investment. This is certainly the case with the HMMWV. A complete new production line has been established, with new tooling and production machinery purchased.

The GAO's second concern about operational testing of production vehicles will be accommodated during the August to December 1984 test schedule. Warranty provisions are currently being negotiated which will ensure the contractor's compliance with the performance specifications. In the meantime, the government is assured of reliability performance under the current contract.

While the concept of holding up production of an item until all development and operational tests have been

completed, and all discrepancies resolved, is a laudable ideal, this is not a realistic way of doing business. How would we have thoroughly tested the space shuttle without entering into the contracts to build the first couple of production models? Or similarly, any commercial automobile? Prudent business practice does not require the complete elimination of all problems or risks—only their minimization.

Postponing the awarding of funds for the production models under the current contract until May or June 1985, after the results of the operational testing of the production variants and a subsequent 30-day congressional review, would have grave economic and contractual problems. First, the prime contractor, AM General, initiates negotiations with their subcontractors immediately after the Congress appropriates funds. Delaying this process until mid-1985 would be a costly nightmare. Of the \$671 million spent to date, at least \$236 million has been subcontracted to small businesses. This represents 34 percent of the total value of the program. A 7- to 10-month delay would cause many of these small businesses, whose stability and participation this Congress tries to support, to suffer severe financial hardships.

Second, the production rate is projected to be about 20 vehicles per month from June through December of this year, with none of these going to the services. These are production testing vehicles for the manufacturer. However, with about 1,000 vehicles per month targeted for February 1985, does anyone in this Chamber, given our current weapon systems procurement experience, believe that the costs of this vehicle would, as a result of such a delay, not dramatically increase? Such an increase would in no way be attributable to contractor problems, but rather to direct congressional interference.

When looking at the cost of this program, we should also note the potential terminations liability of approximately \$23.7 million which could be incurred if the contractor is forced to close his production line for even the shortest period of time. So far, 12,000 vehicles have been contracted for under the first 2 years of the 5-year contract. Over 15,000 vehicles are scheduled for the fiscal 1985 buy. By the time the operational tests will have been completed and reviewed by this Congress, over 5,000 HMMWV's will have been delivered. If any discrepancies are encountered, it may be far easier and less costly to retrofit these vehicles with kits in the field, than to hold up the production line.

Like any prudent businessman, these delivered vehicles will not sit idle in some inventory area, but are scheduled for fielding with Army and

Marine Corps deployments in Europe and the Indian Ocean, with the prepositioned Rapid Deployment Force, and field units all over the United States. Even a 7-month delay will severely disrupt this fielding effort.

Mr. President, this program, like most real world activities, does not operate in a vacuum. It is not managed in a linear, sterile environment. It is a dynamic and coordinated effort, well within our management experience. In its effort to crank out a report on the HMMWV, the General Accounting Office has done a disservice to those public and private sector managers who engage in real production processes, but worst of all, this is a matter of trust. How can we not trust those same men and women to build the necessary combat support vehicles who would be required to use them in the event of war or national emergency?

Mr. President, we have bought no major replacement vehicles for the military services on any large scale since 1979. Most vehicles in our inventory have expected useful lives of about 7 years. Over 70 percent of our Jeeps are over age. With improved readiness and force modernization becoming high priority defense needs, this program must not be delayed—Particularly by congressional meddling and micro-management.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, of course, if all the problems had been worked out as suggested by the Senator from Indiana, there would be no purpose in the military delaying the production themselves. There would be no purpose in them proposing further developmental and operational testing which has been required by the Under Secretary of the Army.

I will point out that the General Accounting Office has just released this report. It is based upon the best information that they can secure. I point out, as I already have, that the Marine Corps itself has recommended that production should not proceed until the problems of reliability have been worked out.

You can totally discount the GAO report if you want. But I think most Members of Congress feel that they do a good job. I quote from this report. It says:

The fact that the Army approved the HMMWV for production in the face of the poor reliability results in operational testing indicated, in GAO's opinion, a breakdown in the acquisition process. It was not until after the production contract was awarded that the low reliability scores achieved in operational testing became known at higher levels in the office of the Secretary of Defense and the Army. This is attributable largely to a Department of Defense decision made early in the development program not to designate the HMMWV as a major system, even though its production cost was estimated to exceed \$1 billion, one of the

criteria cited for designating these weapons systems as major systems.

We are not trying to slow down the production of the weapons unnecessarily. As a matter of fact, our amendment basically meets the time requirement. The Army does not have to make a decision concerning the fiscal year 1985 production option until April 1985. The current series of operational tests on the vehicle are scheduled to begin in September 1984, and conclude in late November. At the very latest, test results will have been analyzed by February or early March 1985, leaving plenty of time to use the test results to decide on the fiscal year 1985 production option.

I point out again that the amendment is reasonable. It meets these time schedules.

All we ask is that the tests be completed, analyzed, and then reported to the Armed Services Committee of the House and Senate. I assume that the Senator from Indiana has confidence in those committees. But I think it is important to underscore that it is about time that the Senators, even though it involves production in their States, be concerned about cost effectiveness. The fact is that General Accounting Office studies have shown that the general pattern is that we are procuring weapons which are less effective than required. They do not meet the necessary specifications of the weapons. In many cases we are putting things in the field that are not as excellent as they should be. I think we have a chance here to take significant action to ensure that this vehicle, which I think can become an excellent vehicle, will proceed safely, cost effectively, and on time as well.

So I would again urge the acceptance of my amendment.

Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President—

Mr. LUGAR. Would the Senator yield?

Mr. QUAYLE. I yield to my distinguished senior colleague.

The PRESIDING OFFICER. The senior Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to support, I think, the eloquent arguments that have been given by my colleague. But I will read from the GAO report, which has become the substance of our debate here. On page 10 of the report, it says clearly:

DOD did not agree that awarding the HMMWV contract was premature, or that the design was not sufficiently stable to warrant a multiyear contract. DOD stated that extensive study of the test results as well as analysis of the correction to the problems disclosed in testing preceded the HMMWV production decision. The failures were understandable problems, and were therefore all within the state of the art. A high level of confidence was evident to the decision makers that the recommended

fixes would be adequate and would not adversely affect the production hardware.

DOD believed that the cost advantage associated with the multiyear award as opposed to single year awards outweighed the risk associated with the corrections to be made.

On page 11, it states:

DOD did not agree that the Army was not in a good position to approve the use of a multiyear contract in October 1982, prior to the completion and analysis of the testing. DOD commented that only the concept of a multiyear contract was approved in October 1982 and that since the contract was not awarded until March 1983, the test results were available for evaluation prior to the award.

Mr. President, I make these points simply to indicate that the Department of Defense and the Department of the Army have been clear with regard to the multiyear award and the basis for it. I would say simply that having personally visited the assembly plant in Indiana, the plant producing the HMMWV in Indiana, I am confident that the procedures are not only adequate with regard to testing and production, but I am simply amazed that this argument arises at all.

I have deep respect for the distinguished Senator from Delaware and the work he has done in this particular field. But I would simply respectfully suggest that in this particular instance he has struck out altogether. The demonstrable evidence is zero.

Mr. President, I think it is time to bring the debate to a halt and suggest the Senator ought to take a look at another area for his investigations. In this particular case he ran into a stone wall. In my judgment, production is going to proceed well; testing will proceed well. It has the confidence of the Department of Defense and the concerned persons.

We are sorry that the GAO data was replicated in a new report. That does not update it one iota.

Mr. President, I ask that the amendment be soundly defeated and that we proceed.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, what it would mean is that we totally ignore the report to the Secretary of Defense by the General Accounting Office. I want to underscore the fact that this report was issued June 12, 1984. So it is a current report.

I know that the contracting officer and the Army are denying that there is anything wrong with what was being done. I would just say that, as chairman of the Governmental Affairs Committee, time and again we have made investigations into defense procurement issues, including the issue of spare parts, and I have yet to see the Army or the services come forward and admit a mistake. You are always

wrong, according to the military. They always have some rationalization.

Mr. President, I think these facts cannot be denied. If the reliability had been proven, as indicated by the GAO report, it would not be necessary now to schedule additional tests. Because of the concern in the Army, they are scheduling both additional so-called development tests as well as operational tests.

Mr. President, it is a fact that no one is in a position to say that this vehicle has the necessary reliability specified for this weapon. I have already spelled out twice how this has failed. The weapon required maintenance every 82 miles in the last test, rather than 300 miles.

There is mission failure roughly every 300 miles instead of 1,300 miles.

The purpose of a new test is to see how the weapon today will perform.

Mr. President, all we are asking is that these new results be analyzed, and if there are any problems that a report be made to the Armed Services Committees of the House and the Senate on how they will be handled. These reports will be in time for the production of 1985 vehicles in 1985 dollars. But we want to make certain that the tests are adequate, that the analyses are sufficient, and that the vehicle will do what is claimed.

Mr. President, I urge that the amendment be adopted.

Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, I want to again emphasize that the data is based on information we had 2 years ago. It is simply outdated.

The Senator from Delaware referred to the miles between mission failures, where the GAO properly pointed out there were only 367 and also that the Army requirement was 1,300.

Well, now, that has been corrected. The last vehicle test was not 1,300, but it was 5,000 miles. They are now averaging 2,000 miles, which is 700 miles more than the requirement. This is the latest data. This is the way the new Army jeep is performing, way above standards.

The Senator from Delaware is citing erroneous facts as happening at this particular time. I will not stand by and let the RECORD show that.

Furthermore, there is no dispute that what was in the GAO report, what is included in that GAO report, is accepted by the Department of the Army, accepted by the contracting officer in the Department of the Army, and they have said that everything the GAO points out is either taken care of or will be taken care of.

I would like to read what the recommendations are from the GAO. After listening to the Senator from Delaware, you may think that they recommend simply not to go ahead with this

program. There are two recommendations:

1. To assure that the HMMWV reliability can be properly evaluated, GAO recommends that the Secretary of Defense direct the Secretary of the Army to conduct follow-on testing in an environment that actually represents field conditions and does not impose restraints that invalidates such testing.

Recommendation 1 is taken care of.

2. GAO also recommends that the Secretary of Defense emphasize to all DOD procurement agencies the need to be certain of an item's designed ability before entering into multiyear production contracts.

Done. Agreed to. They are going to carry out the recommendations of the GAO.

Mr. President, I would simply say in conclusion that not only is this data old, but everything is being lived up to. The Senator from Delaware, perhaps tomorrow or some other day, if he really and truly wants to pursue this beyond tonight, might want to sit down with the contracting officer of the Army and have the same conversation I had. He can get the same updated information. If he sees that there are some problems which I did not see, so be it. But that will not be what he is going to find. He is going to find out that the program is going on schedule, that the deficiencies have been met, that the HMMWV is now performing to requirements.

Furthermore, we are going ahead with the further operation testing and development.

Mr. President, I believe that this amendment would do precisely what the Senator from Delaware does not want to see happen. That is to impede the cost effectiveness. It will hurt the cost effectiveness to slow down 2, 3, or 4 months. It will cause not only economic destruction, but be a real disservice to a program that does not deserve this kind of statement attached to it.

Mr. President, it is a good program. It will continue to be a good program. On the idea that somehow no one is paying attention to it, the Under Secretary of Defense, Mr. Carlucci at the time, designated the Department of Defense. Everyone over there knows this program. It is a major program.

Mr. President, I hope the amendment is soundly defeated.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I shall not belabor this. I know the Senate has already voted on this. I shall support the Roth amendment. I think in all likelihood, these problems are not problems that cannot be solved, but I think the principle the Senator from Delaware is setting forth here about having these tests performed in a thorough way before we make commitments is a sound principle. I know the General Accounting Office said so. I know the Senator from Indiana disagrees and the chairman disagrees with that. But I think it is important for some of us to follow some procedure here.

I know the Senator from Delaware has done an enormous amount of work in the Governmental Affairs Committee trying to establish at least a modicum of consistency in procurement contracts. This program has had some problems, I know they are not significant problems, but the principle is correct.

Interestingly enough, the committee has in its bill the DIVAD program with precisely this same kind of language. The DIVAD program has had more serious technical problems than this program but I think—

Mr. QUAYLE. Will the Senator yield for a question?

Mr. NUNN. I shall be delighted.

Mr. QUAYLE. Where does the Senator from Georgia think they are not going to get the evaluation of testing, developmental testing and operational testing, before they go into production? How many jeeps does he think are coming off the line now in the next month or couple of months?

Mr. NUNN. I cannot really answer the Senator's question, but I will say this: The Senator has talked about holding this up and that this could cause contract problems. All the information I have is the only way this can be held up is if the testing the Senator from Delaware has in mind were to reveal serious enough problems so that then the contract itself could be interfered with, in which case it should be interfered with. So the testing that is going to take place under the Roth amendment, as I understand it, will not cause a contractual problem.

Mr. QUAYLE. The testing is going to go ahead with or without the amendment. The testing is scheduled to take place later on this summer. No one is disputing that. The Roth amendment simply delays the reporting and stretches this out for a period of 90 days.

Mr. NUNN. The difference is—

Mr. QUAYLE. The production schedule does not even begin until next spring.

Mr. NUNN. Mr. President, I do not disagree with the Senator. The difference is under the principle of the Sen-

ator from Indiana, we would not be able to do anything until the testing of group E.

Mr. QUAYLE. This is not unusual. You go out and have a few of the trucks and have the full evaluation and testing. The Senator knows that. We are following regular procedure on this. This is not an irregular procedure.

Mr. NUNN. The problem is we have too many procedures that have been followed too long that have not been careful enough and prudent enough. I think the principle the Senator from Delaware has in his amendment is a sound principle. I think the GAO principle is a sound one.

I am very much in support of multiyear procurement. But when we start going into multiyear procurement when we do not have a stable design, we are deviating from the rules that almost everyone in favor of multiyear programs has approved of from the beginning.

I do not say this is not going to work out. I do not believe what the Senator from Delaware is advocating is going to interfere with the contract unless there are serious problems that develop, in which case the contract should be interfered with.

Mr. QUAYLE. I suggest the Senator might want to talk to the contractors or some of the subcontractors. This is going to cause a delay of up to 3 or 4 months no matter what if this amendment passes. If the Senator does not believe that, he ought to sit down and talk to some of the contracting or subcontracting people, because it is going to cause a delay and there is going to be a disruption. I do not know what principles the Senator is talking about because the Department of the Army accepts what the GAO pointed out. They have accepted it and corrected it. That is the way this thing is supposed to work.

What I am saying is that this program is working well, going along on schedule, on procedure, and this is simply a delaying type of amendment. If you want to talk about procedure and talk about regular procedure, they have lived up to what is in the GAO report. They do not dispute that.

I just read the two recommendations. They accept that. I do not know what principle the Senator from Georgia is talking about.

The PRESIDING OFFICER. If there is no further debate, the yeas and nays have been ordered.

Mr. LEVIN. Mr. President, I rise in opposition to the amendment. Many of the problems that have been identified in previous tests of the vehicle appear to be well on their way to solution. At this point, in light of the newer evidence and given this later testing, the delays in this program that might result from this amendment are no longer justified.

The amendment now before us is neither the best nor the most appropriate method by which to ensure that the HUMVEE program is properly managed and that the HUMMER actually performs as advertised.

I have several reasons for this position:

First, many of the problems identified in the previous testing of the vehicle appear to be well on the way to solutions. The Army has concluded that later testing indicates that the contractor has corrected the deficiencies identified in earlier development and operational testing.

Second, the contract for the HUMVEE already is being renegotiated to permit a slower and steadier increase in the production rate. This means that fewer vehicles will be produced initially this partially meets the objective of this amendment.

Third, while this program was designated as a "nonmajor" procurement program, it has come under increasing oversight by high level officials in the Army. I also understand that officials in the Defense Department also have examined this program. Thus, its technical designation has not prevented senior officials from following its progress and exercising responsibility for its management. Therefore, another goal of the amendment already has been met, and passage of the amendment is not necessary for this major objective of the amendment's sponsor to have been accomplished.

Fourth, under the worst circumstances, and we all know how "Murphy's Law" works to ensure that our Government bureaucracies work more slowly than planned, this amendment might interfere with exercise of the 3d-year production option on this contract until after May 1, 1985. If that is the case, the Government might face the loss of almost \$24 million in contract termination liability costs.

Mr. President, considering all these factors, the best way to protect the American soldiers, who need these vehicles to replace their overage jeeps, and the American taxpayers, is to defeat this amendment.

Mr. TOWER. Mr. President, I point out the very GAO report the Senator from Delaware refer to says:

Should the Government now act to modify or terminate the contract, the long-term production and financial commitments of A. M. General and subcontracts render such action more difficult and expensive.

I move to lay the amendment of the Senator from Delaware on the table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment of the Senator from Delaware on the table. The yeas

and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Oregon [Mr. PACKWOOD], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Vermont [Mr. STAFFORD], are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Louisiana [Mr. LONG], and the Senator from Mississippi [Mr. STENNIS], are necessarily absent.

The PRESIDING OFFICER [Mr. GOLDWATER]. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 38, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—51

Abdnor	Glenn	Mattingly
Armstrong	Goldwater	Murkowski
Baker	Gorton	Nickles
Boren	Grassley	Percy
Boschwitz	Hatch	Quayle
Cochran	Hawkins	Riegle
Cohen	Hecht	Rudman
D'Amato	Heflin	Specter
Danforth	Heinz	Stevens
Denton	Helms	Symms
Dixon	Humphrey	Thurmond
Dole	Jepsen	Tower
Domenici	Kasten	Tribble
East	Kennedy	Wallop
Exon	Laxalt	Warner
Ford	Levin	Weicker
Garn	Lugar	Wilson

NAYS—38

Andrews	Eagleton	Moynihan
Baucus	Evans	Nunn
Bentsen	Hatfield	Pell
Biden	Inouye	Proxmire
Bingaman	Johnston	Pryor
Bradley	Lautenberg	Randolph
Bumpers	Leahy	Roth
Burdick	Mathias	Sarbanes
Byrd	Matsunaga	Sasser
Chiles	McClure	Simpson
Cranston	Melcher	Tsongas
DeConcini	Metzenbaum	Zorinsky
Dodd	Mitchell	

NOT VOTING—11

Chafee	Huddleston	Pressler
Durenberger	Kassebaum	Stafford
Hart	Long	Stennis
Hollings	Packwood	

So the motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. JEPSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, if I can have the attention of the Senate and if we can have a little order, I will explain what might happen next.

The PRESIDING OFFICER. The Senate will be in order.

Mr. TOWER. Mr. President, on my list, other than technical amendments which can be accomplished by unanimous consent, I have only three amendments remaining—one by the distinguished Senator from Louisiana [Mr. JOHNSTON] which is going to be agreed to by the committee; two by the Senator from Montana [Mr. MELCHER] which I, for one, cannot agree to. I do not know whether he wants record votes on them.

Those are the only three amendments that I find on my list that are still outstanding. If any other Senators have amendments that I have overlooked, I would appreciate it if they would come forward at this time. It appears that no other Senators have amendments. There will not be a rollcall vote required on the amendment of the Senator from Louisiana.

Mr. NUNN. Mr. President, I understand that the Senator from Arkansas [Mr. BUMPERS] has an amendment.

Mr. BUMPERS. I have, and it will take about 30 seconds.

Mr. TOWER. Perhaps we could deal with the Johnston amendment and the amendment of the Senator from Montana. I do not know whether he wants a voice vote or a rollcall vote. I will have to oppose them.

May we have the attention of the Senator from Montana? Does the Senator from Montana want record votes on his two amendments? I understand that he has only two.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. TOWER. I yield for response to my question.

Mr. MELCHER. I have two amendments that, as I understand, the committee wants to accept. I have two housing amendments that I do not know whether the chairman is referring to those or not.

Mr. TOWER. The two housing amendments are the ones I was referring to, and I am afraid I cannot accept them.

Mr. THURMOND. Mr. President, will the Senator yield to me?

Mr. TOWER. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, we have included every possible project that I can conceive of that could be built out of savings. We have given every consideration to all these projects and we have included a great many hoping there will be savings, but there is no use to include any more because I think we have included all we can possibly take.

I would be very glad to accommodate the Senator. I do not see any way to do it.

Mr. TOWER. I think we should withhold debate on the amendments of the Senator from Montana.

The Senator from Louisiana has been waiting patiently for some time, so I yield the floor.

AMENDMENT NO. 3286

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 3286.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the appropriate place in Title III of the bill the following new section:

"AUTHORIZATION FOR PRODUCTION OF THE 155-MILLIMETER ARTILLERY-FIRED, ATOMIC PROJECTILE

SEC. . (a) Notwithstanding any other provision of law, the Secretary of Energy may obligate not more than \$50 million from funds otherwise authorized to be appropriated in this Act for the construction of facilities necessary to produce the 155 millimeter artillery-fired, atomic projectile (Project 82-D-109).

(b) Notwithstanding any other provision of law, in the case of the 155 millimeter atomic-fired artillery projectile (W-82) and the 8-inch atomic-fired artillery projectile (W-79), the following conditions shall be adhered to:

(1) the total number of both such warheads produced may not exceed 925;

(2) the total funds that may be expended for the production of both such warheads subsequent to the date of enactment of this Act shall not exceed \$1,100,000,000;

(3) no such warheads produced after the date of enactment of this Act may be produced in the enhanced radiation version;

(4) in producing both such warheads, special emphasis shall be placed upon improvements in the safety, security, range and survivability of such warheads; and

(5) replacement of obsolete atomic-fired, artillery projectiles now in Europe with such improved warheads will be accomplished within the nuclear stockpile limits agreed to by NATO Defense Ministers at Montebello, Canada, in October 1983, which required the withdrawal of 1,400 warheads from the European stockpile in addition to the 1,000 warheads withdrawn in 1980.

(c) No action may be taken to implement the authority contained in this section until the Secretary of Defense has submitted a plan for the implementation of the provisions of this section to the Committees on Armed Services of the Senate and the House of Representatives."

Mr. JOHNSTON. Mr. President, in last year's defense authorization bill I and others opposed a plan of the Department of Defense to go into a very large program involving enhanced radiation 155-millimeter and 8-inch shells. Our reasoning was it was too expensive and that the deployment of that many weapons in Europe was unnecessary and was not a good expenditure of money.

This year, Mr. President, the Department of Defense has come to me and others with a new plan involving

the same limitations in money and the same prohibition on enhanced radiation shells that we had last year but allowing flexibility to use the same \$1.1 billion for either the 155-millimeter shell or the 8-inch.

The reasoning is very simple, that the number of 155-millimeter tubes as compared to the 8 inch has a ratio of about 5 to 1. As there be distributed approximately the same number of rounds among 155-millimeter tubes as you can the 8-inch, then it will be theoretically and I think in fact five times more difficult for the enemy to defend against the deployment of the 155-millimeter shells as with the 8 inch.

We continue the prohibition in this amendment against enhanced radiation.

I want to emphasize we keep the same \$1.1 billion limitation in the total amount of dollars that may be spent. We further provide that production may not proceed of the 155-millimeter shell until and unless the Secretary of Defense has submitted to Congress a production plan, showing that these shells may in fact be produced within the limitation and showing that the plan for deployment.

We also take forward, Mr. President, the positive requirement that the nuclear stockpile limits as agreed to in Montebello, Canada, in October 1983, be complied with and that requires the withdrawal of the 1,400 warheads from the European stockpile in addition to the 1,000 warheads withdrawn in 1980.

I might add that this is not conceding very much on the part of the Department of Defense because the present warheads which are deployed in Europe are very unpredictable, ineffective, and have such low yield that you do better not to have atomic warheads.

So, Mr. President, I submit the amendment and ask for its approval.

SEVERAL SENATORS. Vote! Vote!

Mr. NUNN. Mr. President, I support the amendment of the Senator from Louisiana. I have been involved in this. He and I worked together on it.

This overall effort starting last year has resulted in cutting the program approximately in half and also saved \$3 billion. This is a restructuring program, but we have a definite cap so the program costs will not go up. The numbers will be much less than the original numbers and the program is a matter of shifting not a matter of increasing. I think it is a good amendment and I will support it.

Mr. TOWER. Mr. President, I rise for the purpose of commending the distinguished ranking member, Senator NUNN, and my colleague from Louisiana, Senator JOHNSTON, for offering this important amendment. This amendment provides the Department

of Defense with authority to proceed with production of a modern 155-millimeter nuclear artillery shell. The package they have presented is not completely satisfactory from my own point of view, but I believe that it represents an important compromise that addresses many of the concerns raised by my colleagues last year. Importantly, it permits this modernization program to proceed, albeit in a form substantially scaled down from that which the administration originally requested.

There is one specific concern that I would like to express. The total of 925 new 8 inch and 155-millimeter nuclear artillery shells that this amendment permits to be produced is low. This concerns me because the Montibello decision of October 1983 to unilaterally withdraw 1,400 nuclear weapons from Europe was made by NATO in the expectation that our tactical nuclear inventory would be fully modernized. This will be a matter that we can address in conference, and there will be other opportunities to review it in the future.

Notwithstanding this concern, I commend my colleagues for their hard work on this matter and I urge that the Senate adopt their amendment.

I commend my colleague from Georgia and Louisiana who worked together on this amendment. I am prepared to accept the amendment.

THE PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 3286) was agreed to.

MR. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

MR. JOHNSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MR. TOWER. Mr. President, we only have three more amendments to dispense with, the amendment of the Senator from Arkansas [Mr. BUMPERS], and I see he is not in the Chamber now.

Here he is.

I am prepared to accept the amendment of the Senator from Arkansas and take it to conference, but in that it is out of the jurisdiction my guess is the House Members will probably raise a point of order against it.

So with that understanding I will accept it and take it to conference.

AMENDMENT NO. 3287

MR. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

THE PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for himself and Mr. PRYOR proposes an amendment numbered 3287.

MR. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the bill insert the following new section:

"Sec. . Notwithstanding any other provision of law, lands in the vicinity of Bull Shoals Lake in Arkansas administered by the Army Corps of Engineers which have been declared excess to the Department of the Army needs shall remain under the administration of the Corps of Engineers and shall not be disposed of by the General Services Administration or the Bureau of Land Management.

MR. BUMPERS. Mr. President, the amendment I am offering to S. 2723, the Defense Authorization Act, would prohibit the Army Corps of Engineers from disposing of important undeveloped lands near Bull Shoals Lake in Arkansas that are now under its administration. The proposed disposal of 850 acres is opposed by many local citizens, business groups, and the Arkansas Game and Fish Commission.

During March and April 1982, the Corps of Engineers surveyed its holding around Bull Shoals Lake pursuant to Executive Order 12348. The corps determined on January 21, 1983, that 12 parcels of land near the lake comprising roughly 850 acres were excess to the Department of the Army's needs. As a result, 530 acres of acquired land will soon be reported to the General Services Administration for disposal, and 320 acres of public domain land will be reported to the Bureau of Land Management for disposal.

The sale of these tracts does not appear to be warranted by any pressing management problem, nor would it generate substantial revenues for the Government. The sale would, however, threaten the area with accelerated commercial development. By offering these tracts to the highest bidder, the General Services Administration and the Bureau of Land Management will almost certainly guarantee that they will be intensively developed, contributing to water quality problems in the lake and destroying the character of its shoreline.

A number of groups and individuals have objected to the proposed sale for these and other reasons. The Chamber of Commerce of Mountain Home, AR, the community which would be most affected by the disposal of these lands, has protested the sale because of the negative effect on the tourism industry that would result from increased development along the lake. The Arkansas Game and Fish Commission has also expressed strong opposition to the sale. In a letter to the Corps of Engineers, the Commission noted that the area is heavily used by hunters and other sportsmen, and provides the

only significant remaining wildlife habitat along the lake.

I have had serious reservations about the asset management program since its initiation by Executive Order 12348 in 1982. Although I am not opposed to the disposal of all surplus Government property, I am convinced that an accelerated Federal land sales program is not in the best interests of either the Federal Government or those citizens most directly affected by the sale of specific tracts.

The Corps of Engineers' decision to make 850 acres near Bull Shoals Lake available for disposal is but one recent illustration of the shortsightedness of the asset management program. This amendment will merely ensure that these important lands remain in Federal ownership where they will best serve the needs of all citizens. I urge its adoption.

MR. PRESIDENT. let me say to my friend from Texas I certainly do not want to burden the bill. If there were not some sense of urgency about this, Senator PRYOR and I would not offer it.

It simply is that the Corps of Engineers has in excess of 850 acres of land on Bull Shoals Lake, which is one of our big tourist attractions; 550 acres of this goes to the General Services Administration; 300 acres of it goes to BLM.

They soon will be selling that land. It will be developed. The people in that part of the State are in a state of rebellion about it.

MR. NUNN. Mr. President, if the Senator will yield for an observation, I believe the Senator's persuasive argument has convinced both managers of the bill.

MR. BUMPERS. The Senator does not want me to call for a rollcall vote?

MR. NUNN. I really think the argument has been overpowering.

MR. BUMPERS. I yield back the remainder of my time.

MR. TOWER. Mr. President, I say to the Senator from Arkansas that I will be delighted to argue with him in favor of the amendment in conference, but the House could raise a point of order against it because of a point of jurisdiction.

MR. BUMPERS. Mr. President, I do not wish to slow this process up with this amendment, but I may offer it again on the debt ceiling limit.

MR. TOWER. On what?

MR. NUNN. Mr. President, if the Senator will yield, both my predecessor, Senator STENNIS, and I will be delighted to take this amendment to conference.

THE PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 3287) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JEPSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, all we have are two amendments of the Senator from Montana and, I beg the Senator's pardon, Senator BYRD has an amendment, and I am very sorry. It was crossed off my list by mistake. I proffer my deepest apologies to the distinguished minority leader.

Mr. BYRD. The Senator need not apologize.

AMENDMENT NO. 3288

(Purpose: To require certification of metal millform products procured by the Department of Defense, its contracting elements, contractors, or subcontractors, as containing no Cuban or Russian nickel)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment No. 3288.

At the appropriate place in the bill, add the following:

"Sec. (). The Department of Defense shall certify that all metal millform products procured by the Department or any of its elements, its contractors, or its subcontractors, contain no Cuban or Russian nickel."

Mr. BYRD. Mr. President, my amendment requires the Department of Defense to certify that all metal millform products procured by DOD, its contractors, or its subcontractors, contain no Cuban or Russian nickel.

Some Senators may be surprised to learn that there are indications that Cuban and Russian nickel is making its way into the United States. Even more surprising is the strong possibility that Cuban and Russian nickel has been procured, unwittingly, by the Department of Defense.

Cuban nickel imports into the United States have been banned since 1963, when President Kennedy put pressure on Fidel Castro by ordering a comprehensive trade ban with Cuba.

On November 21, 1983, the U.S. Treasury Department announced that Russian nickel was deemed to contain Cuban nickel feedstock, and therefore was no longer acceptable for entry into this country. The Treasury Department decision stated that the ban on Russian nickel would remain in effect until the United States and the Soviet Union have arranged for inspection of Russian nickelmaking facilities. The Soviets will not agree to such inspections. The Treasury Department decision does not apply to Soviet nickel-bearing materials that are reexported to the United States from a third country, when the nickel has been combined with other elements to

form nickel alloys or stainless steel. That is a gaping hole in the embargo on Cuban and Russian nickel.

Cuban nickel is totally banned from entering the United States under the terms of section 5(b) of the Trading With the Enemy Act, 50 U.S.C. appendix 5, and by sections 515.201 and 515.204 of the Cuban assets control regulations, 31 CFR part 515.

The Treasury ban did not extend to nickel alloy or stainless steel products made from Soviet nickel outside the Soviet Union, and then shipped to the United States. The Treasury Department apparently was unsure of how much Soviet nickel was being used in the manufacture of such products. Without detailed knowledge of whether Soviet nickel was being used in all of the wide range of nickel alloy and stainless steel products, the Treasury decided to control only the products that came directly from the Soviet Union to the United States in their unfabricated form.

Without commenting on the merits of the Treasury decision to exclude third-country millforms such as bars, plates, and sheets from the ban, it is clear that the U.S. Department of Defense should not be procuring critical materials from the Soviets or the Cubans. The exclusion of third-country products may be defended by the Treasury as a matter of trade policy, but DOD procurements are matters of national security policy.

CUBAN NICKEL INDUSTRY

Cuban nickel mines produce about 4 million tons of ore per year, from which the Cubans recover approximately 40,000 metric tons of semirefined nickel, according to reliable metals industry publications.

Production of semirefined nickel is carried out at two sites in Cuba—Moa Bay and Nicaro—and two additional facilities are under construction.

Cuba's domestic consumption of nickel is virtually nil, so most semirefined nickel is exported. There is evidence that virtually the entire production of the Moa Bay facility is shipped to the Soviet Union for refining. The material is apparently shipped to the Soviet port of Murmansk, near Finland, and is then sent by railroad to a large Soviet nickel refinery at Montschegorsk.

SOVIET NICKEL INDUSTRY

Information on the Soviet nickel industry is more difficult to verify than material pertaining to the Cuban industry. Certain patterns have emerged, however, as to the nature and volume of Russian nickel production and trade.

The Soviets produce about 185,000 metric tons of finished nickel per year. Some 15 percent of that total is sold to non-Communist countries, with West Germany being the largest purchaser.

The large nickel refinery at Montschegorsk has an apparent capacity of

about 185 million pounds per year. Approximately 25 percent of the output of that plant—45 million pounds—appears to come from Cuban semirefined nickel feedstock.

The refinery's location close to the port of Murmansk makes it ideal for shipping refined nickel to European buyers. The metal is exported in unwrought forms; this is, as sheets or briquettes. The European buyers use the unwrought forms as ingredients in the manufacture of nickel alloys and stainless steel bars, plates, sheets, strips, and other millforms.

It is these products that are exported to the United States and, at times, procured by the Department of Defense. The Defense Supply Center in Philadelphia, the Defense Contract Supply Center in Columbus, OH, and the Defense Industrial Supply Center in Mechanicsburg, PA, are all likely to have procured mill forms that contain Cuban or Russian nickel. This is important because the items containing Cuban or Russian nickel are used in submarines and aboard surface ships. The items are used in the production of tanks and some aircraft.

It is unthinkable that the Department of Defense would knowingly procure items that contained Russian or Cuban nickel. The use of Cuban nickel in any form is a violation of U.S. law. While the use of Russian nickel as part of a product that has been mixed with other metals and wrought outside the Soviet Union is not illegal, the security drawbacks of such an arrangement for the Department of Defense are obvious.

My amendment gets at this problem by requiring the Department of Defense to certify that all metal millforms that it procures contain no Russian or Cuban nickel. The requirement also applies to the individual procurement units of DOD and for DOD contractors and subcontractors.

Huntington Alloys, Inc., of Huntington, WV, is a leading producer of special nickel alloys and stainless steel. Many of Huntington Alloys' products are used in military applications. The company has been disadvantaged by foreign metal-making companies that have used Cuban or Russian nickel as a raw material in the manufacture of stainless steel and nickel alloys. The likelihood that DOD has procured some materials that contain Cuban nickel is violation of U.S. law. My amendment will correct that situation by stopping the flow of underpriced Cuban and Russian nickel to the Department of Defense. Huntington Alloys, Inc., and other domestic makers of nickel alloys and stainless steel will be in a position to win contracts that otherwise could have been awarded to foreign users of Cuban or Russian nickel.

Mr. President, I have discussed this amendment with the managers. I see no reason to take further time. I hope they will accept the amendment.

Mr. TOWER. Mr. President, I think it is a very, very meritorious amendment. I am certainly prepared to accept it.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. TOWER. Mr. President, the Senator from Georgia, I am sure, is delighted with it, as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia [Mr. BYRD].

The amendment (No. 3288) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank the managers.

Mr. TOWER. Mr. President, I think the Senator from Montana has the only remaining amendments.

Mr. MELCHER. Mr. President, first, I want to compliment the managers of this bill for their patient, persistent, and evenhanded manner they have handled the procedures in considering this bill.

These are important issues. True some of the amendments have related to foreign policy, but national defense and foreign policy are intertwined and debate on these issues by the Senate contributes to the countries understanding and these debates are of great concern domestically and internationally.

I want to express my support and commendation for the handling of this bill in addition to the floor managers, also to the majority leader. I believe the late sessions that we have had last week and these past three nights of this week have been necessary.

The authorization total in this bill is the greatest amount ever considered by the Senate. The authorization of \$300 billion should not be quickly disposed.

I have a few amendments which deal with pertinent issues involving authorization matters of the Air Force and personnel of the Armed Forces. I have during the hearings of the Armed Services Committee testified on these matters and have distributed these amendments previously to the floor managers and the Armed Services Committee to allow them ample opportunity to become familiar with them.

I am hopeful that they either find favor with them or are prepared to dispel any doubt in my mind that the bill better addresses the matters than I have ascertained.

AMENDMENT NO. 3289

(Purpose: To require a report from the Air Force by January 1, 1985 analyzing the planned operational utilization of the Air Force's air refueling fleet throughout the remainder of this decade)

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 3289.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following new section:

"SEC. . The Secretary of the Air Force shall prepare and submit a report to the appropriate Committees of Congress, not later than January 1, 1985, analyzing the planned operational utilization of the Air Force's air refueling fleet throughout the remainder of this decade. This study shall include the planned utilization of the air refueling fleet for the Single Integrated Operational Plan [SIOP] and consider the growing number of potential contingency operations throughout the global spectrum of conflict to include multiple and simultaneous global threats."

Mr. MELCHER. Mr. President, the amendment that I am offering at this time directs the Secretary of the Air Force to prepare and submit a report to the appropriate committees of Congress by no later than January 1, 1985, analyzing the planned operational utilization of the Air Force's air refueling fleet throughout the remainder of this decade. The amendment also directs that the study shall include the planned utilization of the air refueling fleet for the single integrated operational plan, or SIOP, and consider the growing number of potential contingency operations throughout the global spectrum of conflict to include multiple and simultaneous global threats.

I believe that such a study is required to accurately ascertain the shortfall between our tanker requirements and our tanker capabilities throughout the remainder of this decade. We currently have two tanker programs underway and partially funded by the bill before us. One of these is the KC-135R modernization program, which entails the replacement of the CFM-56 turbofan engine with a J-57 engine. This replacement will give greater lifting power and more flexibility to this older tanker aircraft.

The 5-year defense plan calls for modernization of 392 KC-135 aircraft through fiscal year 1989. Only one of

these engine modernizations has actually been completed, and that aircraft will be delivered next week. There are 58 aircraft funded and on contract through fiscal year 1984 with another 43 aircraft to be funded through the bill now before us for 1986 and 1987.

Our second tanker program is the KC-10A program. This newer tanker aircraft has several advantages over the older KC-135A. For example, the KC-10 can offload 260,000 pounds of fuel on a 1,000-nautical-mile mission radius, while the KC-135A can offload 110,000 pounds for the same radius. The tanker itself can be refueled in air, and the KC-10A can boom refuel all fixed-wing receptacle-equipped aircraft, from the lowest and slowest to the highest and fastest.

In missions flown in September 1981, September 1982, and October 1982, the KC-10 has proven its ability to meet almost every need the Air Force has today for tanker aircraft.

The current multiyear contract for KC-10 aircraft will result in 60 aircraft being delivered by the end of 1987—32 of these aircraft are scheduled to be delivered by the end of 1985 with a remaining 28 scheduled for delivery by the end of 1987.

Mr. President, I believe that we have taken steps forward in recent years to upgrade the Air Force's tanker capability and make sure that we have the air refueling capability we will need in the latter part of the 20th century. However, I for one am still not certain that current planned tankers production will provide us with either the needed numbers or mix of air refueling aircraft needed to meet the possible contingencies we face around the globe today. For example, in recent discussions with Gen. Jerome O'Malley, commander of the Pacific Air Forces, I learned that he feels there is definitely a tanker need in the Philippines to support fighter aircraft operations out of Clark Air Force Base. Also, during briefings earlier this year by the Military Airlift Command, the point was strongly made that they do not have sufficient tanker capability to refuel the aircraft that would be needed to meet a Grenada-type crisis in Southwest Asia or the Middle East.

I believe that the best way to clear up the confusion over our tanker capabilities throughout the end of the decade and our needs over the same period of time is to have the Secretary of the Air Force prepare a comprehensive report on this subject and submit it to the appropriate committees of Congress. It is important that this be done in a timely fashion because decisions are going to have to be made no later than next year's defense authorization bill if we are going to provide the needed funds to ensure that production capability for tankers is not lost as a result of premature decisions

that will result in the shutdown of tanker production lines.

I hope that the chairman of the committee shares my concern for accurately identifying our future tanker needs and can accept this amendment. I also urge the support of my colleagues for this proposal.

Mr. TOWER. Mr. President, this is one of the amendments the Senator from Montana intends to offer that we are prepared to accept, if the distinguished minority manager of the bill has no objection.

Mr. NUNN. I have no objection.

Mr. TOWER. We have no objection, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana [Mr. MELCHER].

The amendment (No. 3289) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MELCHER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3290

(Purpose: To require a report from the Air Force on the effectiveness of current security arrangements at Clark Air Base Philippines under the provisions of the U.S.-Philippine basing agreement and suggestions on how to improve overall security at Clark Air Base)

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 3290.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following new section:

"Sec. . Within 180 days after enactment of this bill, the Secretary of the Air Force shall submit a report to the appropriate committees of Congress analyzing and reviewing the effectiveness of current security arrangements at Clark Air Base, Philippines, and reviewing the provisions of the U.S.-Philippine basing agreement, and also suggest measures that could be taken to improve overall security at Clark Air Base."

Mr. MELCHER. Mr. President, I am offering an amendment that requires that the Secretary of the Air Force provide to the appropriate committees of Congress a report analyzing the current security arrangements at Clark Air Base in the Philippines and review the provisions of the United States-Philippine basing agreement,

concerning the base's security. The amendment also requires the Secretary to suggest measures that could be taken to improve the overall security of the base.

During a trip to the Philippines last December, I visited Clark Air Base. In briefings from Maj. Gen. Kenneth Burns, commander, 13th Air Force, and Colonel Macfarland, commander of the 3d Tactical Air Wing, I was disappointed in the obvious neglect of this important facility. Since that time, I have also discussed defense issues related to Southeast Asia and our presence in the Philippines with Adm. W.J. Crowe, commander in chief, Pacific, and Gen. Jerome O'Malley, commander, Pacific Air Force.

I came away from my Philippine visit and my discussions with our military leaders in the Pacific convinced that we are neglecting the strategic military importance of Clark Air Base which, along with the Navy's Subic Bay, are our lone outposts in Southeast Asia. These bases are also the outposts for Diego Garcia in the Indian Ocean. As much as we have increased defense spending, it is hard to understand why we have neglected our bases in Southeast Asia and in the Philippines. Subic Bay and Clark Air Base are the kind of facilities that could not be duplicated elsewhere in Asia.

The history of Clark Air Base goes back to the beginning of the 20th century. At that time, detachments of U.S. Army Cavalry had been assigned to patrol activities following the conclusion of the war with Spain. While stationed in the Barrio of Angeles, one such detachment discovered a luxurious supply of fodder on a grassy plain outside the barrio. In 1902, the 2d Battalion of Army Engineers surveyed the encampment, and in September 1903 President Theodore Roosevelt declared this area a military reservation and named it Fort Stotsenburg after Col. J.M. Stotsenburg of the 1st Nebraska Volunteers, who was killed while leading his regiment in action on the island of Luzon, April 23, 1899.

During the early years of the 20th century, Fort Stotsenburg garrisoned the 1st, 5th, 7th, 8th, 9th, 10th, and 14th Army Cavalry Regiments. In these early days, Fort Stotsenburg served as a garrison camp and its first fixed structures were wooden and bamboo barracks with tarpaper roofs.

By 1917 a new breed—the aviator—made their appearance at the fort, and with them came the era of military aviation to the Philippines. Steel hangars and dirt runways were constructed in 1917 to house the elements of the aviation section of the Army Signal Corps; 2 years later, in 1919, a portion of the fort was renamed Clark Field in honor of Maj. Harold M. Clark, who served as a pilot in the aviation section of the U.S. Signal Corps. The development of Clark Field

continued throughout the 1920's and 1930's as American aviation took on a greater role.

World War II came to Clark Field at 12:48 a.m. on December 8, 1941, Philippine time, when two flights of Japanese bombers, 54 planes in all, bombed Clark Field. Most of the buildings were hit and many were afire. The bombers were followed by strafing Zeroes, which completed the destruction of the B-17's and P-40's that were stationed at Clark Field.

The attack on Clark Field resulted in the scattering of units and men. With most of the aircraft destroyed on the ground, many of the aviators joined the ground troops in the battle against the enemy. After the Japanese were defeated our Armed Forces remained in the Philippines.

Following the reoccupation of Clark Field and Fort Stotsenburg by American Forces in 1946, the installation was renamed Clark Air Base and became the home of the 13th Air Force.

Over the years, since the end of World War II, Clark Air Base, has taken its place as the air logistics hub of Southeast Asia. Today, Clark's mission is to support U.S. air operations in the western Pacific, particularly the Western Pacific-Southern Air Defense Region, which includes the Philippines, the Trust Territory of the Pacific Islands, and Taiwan. Clark is also the home of the 13th Air Force headquarters, which has responsibility for the command, control, administrative and logistical support for operations in the western Pacific. For the Military Air Command, Clark is the significant Southeast Asia base vital to servicing Diego Garcia.

Our other major installation in the Philippines, Subic Bay, actually began as a Spanish naval base in 1884. By 1898 the Spaniards had completed dredging the harbor and several permanent buildings had been built.

At the end of the Spanish-American War, the United States determined that Subic Bay had the potential to be an excellent naval port. At the turn of the century, the United States was especially interested in obtaining a deep-water port in the Far East for purposes of ship repair and replenishment. The Philippines was the logical place for the establishment of such a base, and Admiral Dewey had high regard for the choice of Subic Bay as the U.S. naval base in the Philippines. He regarded the harbor as having "no equal in the Philippine Islands because it commanded the trade routes between Manila and Asia and because it was easily defensible by land and sea." In 1901, Subic Bay was chosen to be the U.S. naval base in the Philippines, but it wasn't until 1904 that the base was finally established.

Prior to World War II, the naval station was home for a squadron of flying boats and was garrisoned by the 4th Marine Regiment from Shanghai. The Japanese began bombing the area around Subic on the 12th of December, and station personnel were ordered to Corregidor by General MacArthur. Most of this naval station was ultimately destroyed by U.S. Marines and the station was not retaken until the 30th of January 1945.

By the 1960's, Subic Bay had become the home for eight major commands and several smaller units. During the Vietnam conflict the naval base at Subic took on the task of providing upkeep and maintenance of ships and supplying the fleet with food and fuel and ammunition to sustain them in the western Pacific.

The expanded 7th Fleet converted Subic Bay to the busiest port in the western Pacific. Today, the Subic Bay/Cubi Point complex constitutes the largest American naval base west of Hawaii and is the key to the effective performance of U.S. naval missions in the Indian Ocean-Pacific Ocean region. The distance from Guam to Subic to Diego Garcia is 5,235 miles.

The importance of Subic Bay stems from the advantageous combination of several factors, the most obvious of which is geographical location. Subic Bay is the center of the U.S. 7th Fleet's areas of responsibility and is the only base we have for rapid projection of naval power or the logistical support of ships already operating from the Persian Gulf through the Indian Ocean on the South China Sea. No other naval facility in the region—Diego Garcia, Guam, Japan, or the Marianas—offer the natural assets of Subic Bay.

Mr. President, yet, in a quick tour of Clark, I was surprised to see just how ancient many of the base facilities are—some of them even predate the Japanese invasion of the Philippines. My concern over the condition of many of the facilities on Clark led me to testify before the Military Construction Subcommittee last March on the need to upgrade our facilities there. I am glad to see that the Air Force and Navy requests in that area have been largely approved. However, the most startling discovery that I made during my tour of Clark was the lack of adequate security, particularly around the airfield and sensitive weapons storage areas, but also around the perimeter of the base itself. In later conversations, both Admiral Crowe and General O'Malley agreed that security at Clark was a problem that needed immediate attention.

The terms of the United States-Philippines memorandum of agreement, signed June 1, 1983, may have complicated security but part of the problem must also come from a lack of suffi-

cient security personnel, equipment and funding.

I believe that the best way to get a thorough answer to the security questions at Clark and determine what ought to be done to upgrade the security of sensitive areas on the base, as well as the base itself, is to direct the Secretary of the Air Force to study the situation and provide the Senate Armed Services Committee with a report on the current situation, the cause of the security problems, and suggestions on what can be done to get base security up to adequate standards.

The Air Force tells me that a study of the security needs of Clark has already been initiated under the auspices of the Pacific Air Force security personnel. This amendment will emphasize the need to complete that study quickly and communicate the findings directly to Congress so that action can be taken in the shortest possible period of time.

In discussion with the chairman and the ranking member of the committee, we have reached an agreement on this amendment.

Mr. NUNN. Mr. President, if the Senator will yield, we have discussed this amendment with the Senator, and he has graciously agreed not to push the amendment to a vote. The chairman of the Armed Services Committee and I have agreed to seek this information by joint letter. We hope that the information would, therefore, be available on a more rapid basis.

Mr. TOWER. Mr. President, we can provide this by joint letter much more quickly than it could be accomplished by statutory regulation.

Mr. MELCHER. Mr. President, I think the suggestion of the chairman and the ranking member of the committee is a sound one. I, therefore, withdraw the amendment in preference to having a letter that they have spoke of.

The PRESIDING OFFICER. The amendment is withdrawn.

MILITARY HOUSING, CONRAD, MT

Mr. MELCHER. Mr. President, the amendment I am offering today is based on commonsense and fairness. The Department of Defense authorization bill before us contains \$4,260,000 for the construction of a strategic training range complex at Conrad, MT, and an additional \$3,705,000 for construction of associated military housing. This training range complex site at Conrad is part of the new strategic Air Force training range comprised of some six sites located in Montana, North Dakota, South Dakota, and Wyoming. This program is a high priority SAC mission to modernize the training of our strategic manned bomber force.

There will be a total of 74 personnel permanently assigned to operate the site in Conrad. SAC and the Air Force

requested 50 units of family housing to meet the needs of these personnel and their families. These 50 units of family housing are considered essential by the Strategic Air command because there simply is no adequate rental housing in Conrad to meet the needs of married military personnel stationed there.

In its review of the military construction budget, the Defense Department reduced the Air Force request from 50 to 40 units of housing, eliminating the junior enlisted married quarters. There are clear reasons why this action is not justified. First, adequate private housing is simply not available in Conrad, MT, to accommodate these 10 families. Conrad is a small town of some 2,700 persons and has a very stable population and housing market. For example, an initial housing survey in December 1982 identified virtually no rental properties and only five adequate houses for sale. A followup survey in September 1983 identified only one property for sale or rent. Another check in January 1984 identified only three suitable properties for rent.

Finally, a check of the housing market on June 13, 1984, indicated that there was not even one suitable rental property available in Conrad. Second, the nearest community with adequate rental housing to meet the needs of the personnel assigned at Conrad is Great Falls, MT, 63 miles away. That would necessitate that young, enlisted personnel assigned at Conrad commute over 120 miles each day, which would create an unreasonable economic burden on them, as well as a severe safety hazard, considering the severe winter driving conditions in Montana.

Mr. President, I realize the tight constraints that the Military Construction Subcommittee is working under in allocating funds for the 1985 military construction program. However, I also believe that we can sometimes be penny-wise and pound-foolish when it comes to individual projects, and I think that this is just the case in connection with the family housing in Conrad, MT. I testified earlier this year before the subcommittee on this problem and requested that the committee include \$594,000 for the additional 10 housing units. I now feel it is necessary to bring this issue up again before we pass the 1985 DOD authorization.

The amendment I have discussed is meant to be a compromise. Because of the slowdown that had been caused to the construction industry as a result of high interest rates and a poor housing market in the private sector last year, we found that many of the bids that came in for military construction projects were below the estimates that

had been prepared by the Department of Defense.

As a result, there were substantial savings in the military construction projects as authorized in fiscal year 1984 and this led to additional projects being added to the military construction program for fiscal year 1984 which had not been originally authorized. With interest rates on the rise again and the recent slowdown in construction and housing, we may once again find that case to be true in connection with the fiscal year 1985 military construction authorization.

As a result, the proposal I have discussed would direct the committee to use savings that may become available in the 1985 military construction program, as a result of lower-than-expected bids, for the purpose of constructing the additional 10 units of needed military housing at Conrad.

The amendment that I would like to have accepted by the committee deals with the 10 housing units for noncommissioned officers. It is part of a housing plan of 50 units, which is needed. Forty have been cleared in the bill, and my amendment covers the additional 10, which deals with \$573,000.

That is a small amount. The reason it is so essential is that at Conrad, MT, there is no housing available. We do not attempt to add money to the bill. We simply would like to get on the list; that if there are savings available from contracting for other housing and buildings for the Air Force, that these 10 units could be on that list. It is entirely discretionary with the Pentagon whether or not any on this list share in the savings.

The alternative, if these houses are not built, simply is this: There will be 10 families where the serviceman will have to drive from Great Falls, MT, where there is housing. It does not sound so bad until you figure out that Great Falls is 63 miles away from Conrad and that is 126 miles round trip. We are not asking to increase the amount of funding in the bill. We are only asking to be on the shopping list.

In section 222 of the bill, there is a list of buildings including some housing that will be built if there are savings available. Some of these items on this list may not be ready for contracting in 1985. Among those is a \$35 million item for the Netherlands for the ground-launched cruise missile support facilities. Now the Netherlands have not approved that yet, and they may not approve it in 1985. Granted, they are going to have a higher priority if they do.

I simply would like to get this and the other amendment on this shopping list. I might say for the enlightenment of the Senate that the other amendment covers basic housing needs at Clark Air Force Base in the Philippines.

Mr. THURMOND. Mr. President, unfortunately, I must oppose the amendment of the distinguished Senator from Montana. We all have projects in our own State. Every Senator here has projects in this bill and others that would like to be added. We have given most careful consideration to all of these projects and did the very best we can.

Let me make two points. First, the amendment seeks to add 10 units of family housing requested for Conrad Air Station by the Air Force. My colleagues should know that the Air Force requested 40 units of housing and we have given the Air Force very unit they asked for.

This is an additional amount he wants to add there that the Air Force did not request. If this amount is added it will have to come out of some other Senators' projects in this bill. And we do not think that would be fair or right to do it after having given it the careful consideration we have.

The amendment does seek to build these units with savings. We admit that. But we have included now more projects probably than can be built out of savings, and therefore, it would be impossible in my judgment to add any more. I think it would be a mistake to try to do it. It may jeopardize some other project of some other Senator in this bill.

Mr. MELCHER. Mr. President, I appreciate the comments of the Senator from South Carolina. As you know, the committee has diligently attempted to arrive at the most equitable solution. But, nevertheless, I am not asking the committee for a firm commitment. Indeed, section 222 does not give a firm commitment. It just says to the extent that money is available these buildings will be constructed, including the few housing. I would merely like to, with all considering all merits, to get on that, if it is available, and the Pentagon decides that it is of a priority nature. They can choose to use some of the savings for that purpose.

Mr. TOWER. Mr. President, I move to table the amendment of the Senator from Montana.

Mr. MELCHER. Mr. President, there is no amendment.

The PRESIDING OFFICER. There is no amendment.

Mr. TOWER. Would the Senator offer his amendment?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I want to very briefly support the statements of the Senator from South Carolina. I believe the process that was followed on the Subcommittee on Military Construction was a very fair one. He gave serious consideration to

all the requests that came before that subcommittee. I think the staffwork was excellent there. I think the committee fairly tried to choose those projects they felt were of highest priority, and should be included in the bill. I would have to reluctantly agree with him, and oppose the amendments that have been offered this evening.

Thank you, Mr. President.

Mr. MELCHER addressed the Chair. The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. I have not offered either amendment. I have attempted during the course of the evening and the night to find the opportunity for agreement by the committee. That has not been possible. There is no point in offering either amendment and dragging out the procedures by further debate and rollcall vote. So I do not propose at all to do that. I have described in detail, I think, the needs at Conrad. We will see what means there are. If the Air Force wants those houses bad enough, perhaps in a supplemental they can be considered. And in that event, it need not be prejudiced by an adverse vote tonight.

CLARK AIR FORCE BASE

Mr. President, the proposal I have discussed with the committee would permit upgrading of the proposed military housing site at Clark Air Force Base out of any savings that may occur in fiscal year 1985 authorized Clark Air Base military construction programs or other reprogrammed funds up to an amount of \$6½ million.

There are currently between 9,000 and 11,000 military personnel and dependents at Clark Air Force Base who are living off the base. Recent Air Force studies show a need for additional military housing at Clark so that eligible personnel can be properly housed. The Air Force has programmed the construction of 750 housing units in fiscal year 1986.

I believe we should provide that any savings that may occur from the \$41 million in construction projects in this bill for Clark Air Force Base and any other available reprogrammed funds which may become available may be used for site preparation at Clark Air Force Base, which must proceed the actual construction of the housing units themselves. By providing the Secretary with the authority to get a head start on this site preparation with possible savings from fiscal year 1985 military construction funds, we can help ensure that this badly needed family housing is not delayed further and that construction can begin as soon as the fiscal year 1986 money is made available.

The site preparation that must be done before housing construction can start includes roads and driveways, storm drains, sewage treatment plants and sewers, water mains, electrical

transformers and distribution lines, water well and storage facilities. The estimate of the cost of the site preparation is \$6½ million.

I very recently talked to Gen. Jerome O'Malley, commander of the Pacific Air Force, about the needs at Clark Air Force Base, and speeding up this family housing construction as much as possible is one of his very top priorities. There is no adequate housing off base at Clark and there is, as I have pointed out earlier, a significant shortfall in onbase housing. I believe that the most effective way to get at this problem is to ensure that any savings that may result from current programmed construction or other reprogrammed funds within the Air Force be made available for beginning work on the site preparation.

On Clark Air Force Base, the amount is greater. It would be \$6.5 million if there were savings, and if the Pentagon found that those savings could be best used at Clark. I only want to mention that in closing there are 10,000 of our Armed Forces personnel at Clark; that is, personnel and their families, that are living off base. That is not a good situation because the off-base housing is generally substandard.

There is a question of whether the water is potable. It ought to be potable. That situation should be corrected as soon as possible, and the \$6.5 million would not correct it. It would merely start the procedure on the base for the sewer and water, and necessary streets. This would be an attempt to get the project started. I do not want to prejudice that opportunity either. I shall not offer the amendment, and shall seek perhaps in a supplemental if the Pentagon and the Air Force think it is important enough to have it at that time.

Mr. THURMOND. Mr. President, I wish to express appreciation to the able Senator from Montana for that position.

Mr. President, there is no amendment before the body at the moment, is there?

The PRESIDING OFFICER. That is correct. There are no amendments.

TRIBUTES TO SENATOR JOHN TOWER

Mr. THURMOND. Mr. President, I would like to take a half minute. That is all I will take on another subject concerning this bill. As we all know, the distinguished Senator from Texas is retiring after this year. I have been on the Armed Services Committee almost the full 30 years I have been here. I have never known a man who has worked harder on defense matters or has proved to be more knowledgeable and to render more dedicated service to this body than the able Senator from Texas, the chairman of the Armed Services Committee. We are certainly going to miss him on that committee. I felt in view of the fact

that this is the last defense authorization bill he is going to bring to this body that we will want to express our appreciation to him in some way. In view of that, I make a motion that the Senate give him a rising vote of thanks for the great and important work he has done as chairman of the Senate Armed Services Committee for the last 4 years.

[Applause.]

Mr. TOWER. I move to lay that on the table. [Laughter.]

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I would like to echo the remarks of my colleague from South Carolina. The Senator from Texas has done a tremendous job on this committee for a long number of years.

He has managed this bill this week with a great deal of skill. I think the appreciation of all the membership is reflected in the fact that it is evident we did not want his last authorization bill to end rapidly. We wanted him to continue as long as possible and this bill has therefore been stretched out because of his magnificent leadership. [Laughter.]

I have made a number of statements at the beginning of this bill complimenting the Senator from Texas. I will not repeat those at this time. But I say to my colleague and friend from Texas, you have done a masterful job, and you will be indeed missed, although I am afraid we are going to be together a great deal more on defense matters before this bill is completed. We have a long, difficult conference. So it is not all over. But I do commend the Senator from Texas, and I share the great enthusiasm for his performance as stated by the Senator from South Carolina.

Mr. TOWER. I thank my distinguished colleagues from South Carolina and Georgia for their great generosity.

I am sure that most of my colleagues will be dancing in the streets on the completion of this bill, the thought that this is the last time old Tower will be here to kick them around. [Laughter.] That is sort of a twist on an old saying.

Mr. President, we will have a record vote on final passage. I know of no other record votes. However, I must suggest the absence of a quorum because there are housekeeping amendments that we have to get straightened out with the minority leadership.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I rise in support of S. 2723, and particularly the commitment of the Congress as expressed in the bill to the rebuilding of our naval forces.

Since World War II, we have witnessed a tremendous expansion of Soviet naval power. Today the Soviet Navy is regarded as a "blue water navy" capable of projecting Soviet influence and strategic missions on the oceans of the world. From a force designed for coastal defense, it has evolved into a multi-ocean force capable of maintaining a Soviet presence around the world and providing a flexible instrument of Soviet foreign policy. It has been said that for much of the postwar period the Soviet Union had a global foreign policy but not a global military reach. However, as a result of their current naval capabilities, they now have both.

Changes in Soviet naval strategy and capability have necessitated a revision of our own naval strategy. When President Reagan came into office, our fleet had shrunk to half the number of ships and 80 percent of its tonnage size of just 10 years earlier. Secretary Lehman recently referred to the situation as a 1½-ocean navy with a 3-ocean commitment.

Today we are making significant progress in the effort to strengthen our Navy. As a maritime Nation dependent upon keeping critical sealanes open for the free movement of commerce and vital strategic materials, we cannot afford to do less.

The growing Soviet threat at sea requires our commitment to a maritime strategy based on our treaty relationships with our allies and our own security. Recent Soviet exercises at sea have demonstrated Soviet capability and a willingness to project large numbers of combatants far from the homeland.

U.S. naval exercises are constantly encountering Soviet intruders in the midst of our forces. These activities and news reports of Soviet submarines and surface ships operating just off our own coasts and in the Caribbean are proof that their navy is forward deployed and capable of worldwide operations.

I believe we have recognized the threat and are responding in a way that protects our interests. I also believe we are making great strides in developing new technology and applying it to our naval forces to insure that we will have the necessary quantity of naval vessels, and the quality of weapons and hardware to project force and insure its survivability.

The bill we have before us reflects our ongoing commitment and support for a shipbuilding program that is now underway. The bill provides funding

for 22 new construction ships, reactivation of the U.S.S. *Missouri*, three ship conversions, service life extension for the U.S.S. *Independence*, and an additional Trident ballistic missile submarine. Included in the new construction ships are three CG-47 guided missile cruisers equipped with the Aegis system which is critical to the protection of our carrier battle groups and other battle groups at sea. Recently completed Navy operational tests of the system aboard the *Ticonderoga* were the most comprehensive and demanding tests of the Aegis system to date and proved the effectiveness of the system in destroying incoming antiship missiles in a wartime environment.

I am also pleased that the bill will provide authority to reactivate the U.S.S. *Missouri*. In my view, the reactivation program has proven to be a cost-effective way to add tremendous firepower and force projection to the fleet in a hurry. The *New Jersey's* service off Lebanon serves as an example of how these reactivated battleships enable the United States to fulfill naval commitments without placing a strain on our over-extended carrier forces. The U.S.S. *Iowa* was recently delivered by Ingalls Shipyards in Pascagoula, MS, under budget and ahead of schedule, and I am hopeful that the third battleship will be in the fleet at an early date.

The authorization in this bill to construct the lead ship of the DDG-51 *Arleigh Burke*-class guided missile destroyer, which will be equipped with a derivative of the Aegis system, is an important step in replacing our aging DDG-2 and DDG-37 class destroyers and upgrading capability.

I also recognize that we in the Congress must continue to demand that this overall effort be accomplished in the most cost-effective manner possible. For too long we have heard the horror stories of cost overruns and waste in defense spending. However, I am glad that we have begun to hear some positive reports. Competition in the Aegis cruiser program and the forthcoming DDG-51 program will help ensure that shipyards will continue to build these ships at the best price possible and get them into the fleet on or ahead of schedule. In fiscal year 1984, 19 of 22 ships were awarded competitively, and I am pleased that the Navy will continue to compete shipbuilding contracts.

Mr. President, I am pleased to support S. 2723 and would like to commend the chairman and members of the Committee on Armed Services for their hard work and commitment to our national defense.

Mr. BRADLEY. Mr. President, I would like to ask the Senator from South Carolina a question about the state of military housing at Fort Monmouth. I have visited the base and

have seen the Wherry family housing project. The roach infestation and dirty water is hardly supportive of military morale.

As you know, the President asked for \$2.1 million to begin improvements on these units in the fiscal year 1985 budget. DARCOM and the Corps of Engineers have also approve follow-on phases of the housing improvement projects, now scheduled for fiscal year 1986 and fiscal year 1987.

I understand that the House bill includes the \$4.8 million necessary to accelerate the schedule for family housing improvement at the Wherry housing project at Fort Monmouth.

Can the Senator from South Carolina tell me if favorable consideration could be given to this project during the conference?

Mr. THURMOND. I appreciate the Senator from New Jersey bringing this matter to my attention and he may be assured that it will be given the most careful consideration in conference.

COMPETITION IS GREAT WHEN IT INCLUDES ALL PARTIES

Mr. DOLE. Mr. President, there is no question that U.S. Armed Forces must be adequately prepared to fight if they are to constitute a credible deterrent and effective tool for defending our national interest. Weapons must be operational, manpower well trained, and units well stocked with the appropriate ammunition and munitions. We can all agree to that. However, what the Senator from Kansas cannot agree with—and this should concern other Senators in this Chamber who have munitions plants in their States—is the singling out of a specific munitions plant for special treatment in the Department of Defense authorization.

For Senators who have not had an opportunity to look closely at the Air Force procurement section in the DOD authorization bill—and you would have to read the committee report language carefully to understand what is happening. Let me explain. In the combined effects munition section, the Senate Armed Services Committee directs the Department of Defense to assess the desirability of the facilitation of a second source for load assembly and pack of the combined effects munition. It goes on to recommend that the assessment should include consideration of the Joilet army ammunition plan. What this does not say is that this may come at the expense of a Parsons, KS, munitions plant. There is nothing wrong with a little competition. This Senator is a strong advocate of competition. But what about the other plants around the country who are presently involved in the munitions program. Why shouldn't they be recommended as part of the DOD authorization?

I'm very sympathetic to both the Senators from Illinois in their desire

to bring jobs to their State. The Senator from Kansas has the same concerns. However, this Senator does not want to see jobs lost in his State in order for a plant, which hasn't been fully utilized in 10 years, fired up at an enormous cost. It's not equitable. It's not cost-effective.

Figures from the General Accounting Office indicate that it would cost about \$30 million just to put Joilet's plant on line. This does not include start up costs and initial overhead. The plant in Parsons, KS, is only running 25 to 30 percent of capacity and could easily be expanded. The physical plant is there and ready to go.

We all like to bring jobs to our States. But let's do it only if it's cost effective and only if the opportunity is presented to all competing interests. Starting up an old plant to do the job that existing plants are capable of accomplishing is just not good sense.

Hopefully, the Senator from Kansas has been both instructive and constructive in bringing this report language regarding other munitions plants to the attention of other Senators. Perhaps an amendment clearly obviating this language would be appropriate, and indeed my conversations with other colleagues indicate it would resoundingly pass. So let me just say that is the hope of this Senator that the Defense Department uses a little fiscal sense and discretion and disregards the language entirely.

Thank you Mr. President.

MSE

Mr. KENNEDY. I wish to express my continued concern regarding the Army's procurement of mobile subscriber equipment to be utilized for tactical communications. Although our committee has recommended that any system procured must from the start be compatible and interoperate with the present U.S. tactical communications system, I would like to be reassured by you that these directions to the Army are intended to be more than merely advisory in nature.

Mr. TOWER. I want to assure the Senator from Massachusetts that I agree with his interpretation of the language in the committee report on this issue. I can also assure my colleague that the Defense Department well understands the weight that the Armed Services Committees give to committee report language. I think there should be no question that any contract awarded by the Army for mobile subscriber communications equipment should require that the equipment procured must be compatible with existing Army communications equipment. It is my understanding that the language does not in any way limit who may compete for this program and that there may be many firms that can meet the compatibility and interoperability requirements con-

tained in the committee report language.

Mr. KENNEDY. I thank the Senator.

Mr. TOWER. Mr. President, the senior Senator from Washington and the senior Senator from Hawaii have been discussing with the senior Senator from Georgia and myself a matter of common interest. This discussion has now resolved itself to an agreement that can be taken care of by a colloquy among us.

Mr. GORTON. On May 31, 1984, the House, over substantial objection, passed an amendment to H.R. 5167, the Defense authorization bill, which would permit two foreign-built passenger ships to be reflagged as American vessels and granted the privilege of operating in our domestic trades. Our cabotage laws restrict operation in these trades to vessels which are built in the United States. Among other things, those laws are intended to promote our domestic shipbuilding industry which is especially vital to our national defense.

The Committee on Commerce, Science, and Transportation, on November 10, 1983, especially rejected the reflagging of these vessels. I fear that allowing these two British ships to be reflagged and enter our protected trades assures that no passenger cruise ships will be built in the United States. The Cunard bill in the House was originally a private bill, but could not pass on the private calendar in the House. Therefore, to circumvent the Senate Commerce Committee, it was added, in the middle of the night, to the Defense authorization bill in the House.

We believe that this provision is another example of piecemeal, "chipping away," at the foundations of our maritime policy. If the policy should be changed, then Congress should address that fundamental question. Ad hoc legislation is not a substitute for policy. Congress should examine our cabotage laws, and indeed all of the laws expressing our national maritime policy. Perhaps those laws and policy are outmoded, and if they are, then should be changed or repealed. But if so, change should only come after thorough study and consideration of the consequences and alternatives. It is this kind of analysis and deliberation which is lacking here, and it would be folly, in our view, to change longstanding law and policy on the freestanding assertion that such a change would enhance sealift mobility. Indeed, our Defense Department refused to make precisely that finding.

Moreover, if we choose to ignore the Defense Department in this instance, logic will dictate that in the future we should legislate an exception every time a similar argument is made. Our cabotage laws will soon become a dead letter without ever having been replaced.

I would now like to yield to my colleague, the distinguished Senator from Hawaii.

Mr. INOUE. I thank my colleague, the distinguished Senator from Washington. Although explained by its proponents as a "sealift defense" proposal to increase available troopships, the provision is specifically intended to grant an exception to our cabotage laws so that two, and only two, foreign-built vessels—the Cunard *Princess* and the Cunard *Countess*—may enter our domestic passenger cruise trades. Legislation to do expressly this (S. 1197) was rejected by the Senate Commerce Committee on November 16, 1983, after full hearings and in spite of the same sealift mobility arguments advanced by proponents of this provision. In rejecting those national defense contentions, the committee considered the earlier refusal in 1983 by the Department of Defense to grant an administrative waiver for these two vessels on precisely that basis.

On behalf of my colleague, the distinguished Senator from Washington, I would inquire of the distinguished chairman of the committee and the distinguished ranking minority member their view of the House amendment.

Mr. TOWER. The committee will strongly oppose this House amendment in conference. We will do so for three reasons: First, the measure does not have a legitimate national defense rationale; second, it is designed to benefit a single party at the expense of many others; and, third, it is a private bill that has already been rejected by the Committee on Commerce, Science and Transportation. Moreover, the Navy has already denied the waiver this legislation seeks based on national security grounds. I question the propriety of allowing only one operator to benefit among the many who are interested in the passenger ship industry; we in the Congress would, in fact, be granting an unjustified and unnecessary monopoly. This is particularly unjustified at this time because adoption of the Cunard amendment may well cause the cancellation of other ongoing U.S. cruise ship projects. Congress has and will continue to work on the revival of our ship projects. Congress has and will continue to work on the revival of our maritime industry. We have granted special tax privileges to the cruise industry, and the Senate Merchant Marine Subcommittee is considering other measures to help. However, the measure adopted by the House is a step in the wrong direction. It is an artifice and has no place in a DOD authorization bill.

Mr. NUNN. The gentleman from Texas, is quite correct in his statement to the distinguished Senator from Hawaii and the distinguished Senator from Washington, and this Senator

adds his personal assurance that we will work in conference to have the House recede to us on section 1010 of H.R. 5167, the DOD Authorization bill.

EXPLANATION OF VOTE ON NUNN AMENDMENT

Mr. BOSCHWITZ. Mr. President, I wish to offer a brief explanation of my vote on the Nunn amendment. My initial inclination was to support the effort of the Senator from Georgia in his attempt to wring greater defense contributions from our NATO allies. I was, however, prevailed upon to be patient a bit longer, to allow our Government's private urgings and the improving European economy to have their hoped-for effect. I gave a reluctant ear to these earnest appeals and voted to refrain from laying a specific ultimatum before our European friends.

But I wish to make clear that my patience, never my greatest virtue, is being sorely tested by the pattern of neglect which our allies have exhibited toward their own defense. I was forced as a child to flee that continent because of similar neglect by the western democracies during the 1930's, so I suppose that I find it particularly galling to see this same problem arising a brief 50 years later. But I think that Americans of many backgrounds agree with this Senator that the United States can no longer be asked to bear a disproportionate share of NATO's conventional defense.

With 43 percent of NATO's gross domestic product, the U.S. contributes over 62 percent of NATO's total defense spending. We count less than one-third of NATO's population among our citizenry, yet we provide the alliance with over 42 percent of its active defense manpower. This situation cannot continue unchanged.

In fairness to our allies, I should out that they have made substantial improvements in both these areas. Between 1971 and 1982 their contribution to NATO defense spending rose by over 25 percent, while ours actually declined slightly. Similarly, the contribution to active defense manpower for most of our allies increased during that decade while ours declined by over 16 percent. I recognize then that our allies have been making some progress in this area. Nevertheless, the fact remains that our allies have been either unable or unwilling to meet the goals we have set in our joint councils. Their defense budgets have not kept pace with their professed commitments.

I will be watching European defense budgeting with critical interest in the near future, Mr. President. I expect to see the first fruits of our diplomatic overtures and the European economic recovery in short order. I recognize that the Europeans, to an even greater degree than the United States, have suffered severe economic reverses in

recent years and have also lagged behind us in economic recovery. I recognize also that many of our European allies face peculiar political problems with respect to defense and I have no desire to place undue pressure on those friendly governments. But we cannot be expected to wait much longer.

At what point will these allies be in a stronger political position? If the will to upgrade their own defense doesn't materialize soon in Europe, we will have to draw certain inevitable conclusions. Some Members of this body have already begun to draw those conclusions. Those conclusions lead, as the Senator from Georgia has described with his usual perspicacity, to the actions his amendment embodies.

I have, as I have said, been dissuaded from reaching that conclusion just yet. But I am not far from reaching it, Mr. President. And I hope that our friends in NATO will heed the distant thunder heard here today.

We hope for cordial relations with our allies, but they must surely be sympathetic to the necessity we feel in this country to have our contributions to European defense matched by an equal will among Europeans to defend themselves. I look with expectation to see a stronger evidence of that will in upcoming European defense budgets.

Mr. PERCY. Mr. President, I should like to commend the committee for including language in its report recommending against the imposition of user fees for civilians wanting to take advantage of the military satellite system known as the global positioning system [GPS].

Shortly after the downing of the Korean Air Lines flight 007, I introduced Senate Concurrent Resolution 69, urging the Defense Department to make available GPS to civilian airlines on an expedited basis. GPS could help avoid a tragic repetition of the KAL incident by giving airline crews an independent position monitor to backup existing air navigational systems, such as the inertial navigational system. The resolution urged free access to the system as a way of accelerating civilian commercial airline acceptance of this safeguard system that can tell a pilot his or her position almost anywhere on the Earth within the length of one football field.

On May 23, 1984, Senator NANCY KASSEBAUM chaired a hearing of the Aviation Commerce Subcommittee, on the resolution. Almost all of the testimony favored lifting of the user fee requirement. I commend the committee for the position it has taken on this issue.

Mr. DODD. Mr. President, I intend to vote for the passage of the Defense authorization bill, although not without reservations. I realize, however, that a bill of this magnitude and com-

plexity can never be fully satisfactory in all its details for any Member of this body. So, while I certainly would have preferred to rearrange somewhat the spending priorities incorporated in the bill, I had to realize that this is the best attainable at present, given the political realities. I vote for it in the belief that doing so will contribute to the discharge of our most important obligation, the defense of our country. To make my reservations known, I would like to say a few words on certain controversial aspects of the bill.

My first reservation concerns the overall funding level in the bill. I find a 7.5-percent real growth too high. Too high in the light of the size of the deficit, too high compared to our domestic needs, too high as a sustainable, supportable rate of growth for the long term. That is why I voted to recommit the bill to the Armed Services Committee with instructions to reduce its overall budget authority to \$293.7 billion. That amount represented a real growth of 5 percent.

Arguing with the enormous spending in this bill is impossible in the abstract. Who is to determine in absolute terms that spending \$299 billions on the defense of our country is too much, but \$293.7 billion is just about right? You cannot make such a comparison without using certain points of reference.

One point of reference is the achievement of a balanced, moderate, sustainable rate of growth in our defense spending. Another one is the health of our economy. A third one is the maintenance of the well-being of our society by providing adequately for education, health care, and other crucial social needs. As far as I am concerned, these are also Defense issues. If we run our economy into the ground by excessive spending, we will lose the resource that powers and sustains our military strength. If we let our educational standards deteriorate further, there will be no educated brains to coordinate those military muscles.

Mr. President, it often seems to me that those who prepare our Defense budget can only think in terms of muscles. Our military is on steroids. We have too many muscles and too little flexibility and balance. There are too many strategic nuclear weapons, too much procurement, too much high technology, and it comes at the expense of conventional strength, operation and maintenance funds, and readiness. Protracted use of steroids may build formidable muscles, but will eventually upset the inner balance of the body and make it weaker, not stronger.

It is not the bottom line of the budget, as reported by the Armed Services Committee that troubles me the most—but how it was reached. The

bill includes too much money for unnecessary or extravagant strategic systems. We can do without some of these items while not imperiling the security of our Nation. In fact, by eliminating them we will enhance our security.

The prime example is, of course, the MX missile. Anything that can be said about the MX must have already been said in this Chamber. The MX missile is on its deathbed, and as one of my colleagues suggested, we ought to put it out of its misery. Whatever the outcome of the Senate-House Conference on this bill, it is certain that the MX project has been drastically scaled back once again.

Those who still argue for the deployment of the system base their argument on the Scowcroft report. That very report, however, was the one that suggested the first major cut in the project by halving the number of missiles down to 100. What has been forgotten since April of last year is that the scaled-down plan itself stood out as a major inconsistency in the Scowcroft report. It was clear that the members of the Commission assumed, probably correctly, that the administration would not accept their report without some sort of MX deployment proposal. The compromise of a scaled-down deployment was meant to salvage politically the other fruits of their careful labor.

I do not think Congress should be bound by these considerations. If we really accept the logic of the Scowcroft report, the last thing we need is a huge, costly, new multiple-warhead ICBM. If we intend to follow the Midgetman recommendation for which there seems to exist a fairly broad consensus, it is terribly wasteful to commit ourselves to this enormous program. It may even endanger Midgetman itself. We ought to heed the words of Adm. Noel Gayler. He used to be Director of the National Security Agency and Commander-in-Chief of U.S. Forces in the Pacific, so he has some experience behind his judgment. Admiral Gayler predicted to the Foreign Relations Committee:

When an MX program, already underway, already funded, when all of the momentum confronts in the budgetary sense the Midgetman program, it will be the Midgetman that will not survive.

Admiral Gayler's fear is not based on fantasy. For a couple of years now I have followed and supported the efforts of the distinguished Democratic leader Senator BYRD to protect the advanced technology bomber, the so-called Stealth program, from exactly the same danger. It seems that the B-1B program has become unstoppable by now, at least short of the 100 planes planned at this point. The only question has become whether it is stoppable beyond that. Now, it is a

wonderful plane, I realize that. But it is also a terribly wasteful expenditure in light of the very limited strategic role that it will be able to fulfill. On the other hand, as it gathers momentum as it occupies hundreds of production facilities, as it provides a livelihood for tens of thousands of workers, it may eventually smother its younger sibling, the Stealth. This is exactly the fear that Admiral Gayler expressed in the MX-Midgetman context.

I supported the amendments on the MX missile. Senator LEAHY's amendment was particularly relevant in trying to reprogram part of the MX funds for the strengthening of our much neglected conventional forces. I also supported Senators CHILES' and MOYNIHAN's amendments which resulted in the first tied vote on the MX ever in the Senate decided only by the Vice President's vote. I regard the vote on the Moynihan amendment as a turning point, a victory for the opponents of the MX and I think the future will bear me out on this.

As most arguments supporting the strategic utility and cost-effectiveness of the MX have been eroded, many of its supporters fell back on the Bargaining chip argument. Frankly, I could never understand how the MX could be supported as a merely a bargaining chip. To my mind, there is no such quality as bargaining chip independent of the strategic utility of a weapons system. How can a system be strategically trivial, extravagantly expensive, militarily destabilizing, but an excellent bargaining chip, nonetheless? The bargaining value is identical with the utility of a system that makes us stronger, more effective and, therefore, is a quality that we can bargain away for a comparable advantage.

Finally, I want to address the phenomenon which one of my colleagues referred to yesterday as the "Russian approval caveat." Both the House and the Senate passed amendments recently putting a unilateral hold on the testing, production or deployment of various weapon systems with a proviso requiring either some arms control gesture, statement or action by the President, or similar restraint by the Soviets, or both.

It may surprise my colleague from Idaho, who made the remark I just referred to, but I agree with him to a great extent. This is hardly the way to go about arms control. It is an awkward legislative device, especially in trying to bargain with the Russians this way. Still, occasionally I voted for such an approach because it was about the only way left for us to send a message to the President and influence him to reinforce his efforts in the arms control area. It is a sign of the legitimate frustration of Congress.

Let me go back for a moment to the Scowcroft report. Among its many recommendations the administration

took note of only one: deploy the MX missile. To my mind that was the only recommendation that stood out as inconsistent with the rest of the report. To me, the most important policy recommendation of the report was the strong connection it drew between arms control and strategic modernization. As the report stated:

Whether the Soviets prove willing or not, stability should be the primary objective both of the modernization of our strategic forces and of our arms control proposals. Our arms control proposals and our strategic arms programs should thus be integrated and be mutually reinforcing. They should work together to permit us, and encourage the Soviets, to move in directions that reduce or eliminate the advantage of aggression and also reduce the risk of war by accident or miscalculation.

What this report says, Mr. President, is that, contrary to extremists on either side of this issue, arms control and force modernization are not antitheses. You do not have to reject one to be for the other. Strategic modernization is not macho and arms control cowardly. They are the two most important aspects of the defense of our national security; they have to work hand in hand in a mutually reinforcing fashion. We cannot have meaningful arms control without strategic modernization because we would not have anything to take with us to the negotiating table. Strategic buildup without arms control on the other hand may also make us less rather than more secure by forcing destabilizing developments on us and bankrupting our economy.

President Reagan did a disservice to the country by the contemptuous attitude he and his advisers exhibited toward the idea of arms control. Last year he changed his rhetoric, and maybe his thinking as well. I am ready to give him the benefit of the doubt. Still, we see day by day, week by week, what difficulties he has in establishing some credibility with respect to his newly found devotion to arms control. I am not talking about the Soviets. They would be suspicious of us, no matter what we did. The President, however, frightened our closest friends and allies, and even the American people, with his careless rhetoric. That causes his credibility problem now, as he tries to restore at least a semblance of progress on the arms control field in an election year.

This is the background of those Russian approval caveats. We denounce Soviet intransigence at and withdrawal from the arms control talks; and we are right to do so. But we all know that our government is not blameless either. The so-called Russian approval caveats are very imperfect tools but perhaps the only tools we have at this point to place the onus back on the Soviets and to encourage the President to pursue arms control goals aggressively. If he does that and fails be-

cause of Soviet intransigence, every one will know who is to be blamed and we would not be torn by these mixed emotions.

As far as weakening of our defenses is concerned, the amendments are written skillfully enough to provide safety provisions for any unforeseen national need or emergency. I can assure my colleagues that as soon as we have a President who provides real leadership on arms control these amendments will simply disappear.

As I indicated, on balance I favor the passage of this bill. Its positive elements more than make up for its shortcomings. It continues the modernization of the air- and sea-based legs of our strategic deterrence. It increases our tactical strength on the ground, in the air and on the oceans. It initiates a significant new force projection program among other important research and development projects.

For our military personnel it provides a much needed cost-of-living increase.

The bill establishes permanent provisions on warranty requirements. It takes steps to make our procurement process more rational and cost-effective.

Overall, it is a prominent demonstration of our national will to protect our territorial and moral integrity, our way of life. On controversial issues that I feel strongly about—MX, arms control—we made progress compared to previous years.

Mr. PELL. Mr. President, with reluctance I have decided to vote against the 1985 defense authorization bill. I do so despite my very strong support for many provisions in this bill, such as the improvements which have been made in conventional programs, the continuing commitment to both the Trident and attack submarine programs, and a number of other initiatives of positive importance to our national security.

I must express, however, my very deep reservations about a number of provisions in the bill as well as my hope that several of these areas will be improved in conference with the House-passed bill.

My most overriding concern is with the level of real growth in military spending contained in the bill. I support a strong national defense, and remain convinced that we can achieve that objective at a reasonable cost. This legislation, however, continues the trend established in the past three defense authorization bills—a trend which will result in a doubling of the national defense function in the years 1981-85. I question whether this enormous increase in defense spending has actually produced greater national security for the United States, and whether our citizens believe they are

more secure today than they were 4 years ago.

Moreover, I question whether this bill can be justified in light of the growing threat posed by budget deficits to our national economic security. This bill represents a nearly 7-percent real growth in the defense budget over fiscal year 1984. Given the overriding need, which we all recognize, to reduce the Federal deficit, the rate of growth in defense spending contained in this bill cannot, in my view, be justified. For that reason, I strongly supported Senator DIXON's motion to recommit S. 2723 to the committee to be revised to the level of a 5-percent real growth increase. This motion, together with other amendments to reduce funding for the MX and other strategic programs, would have in my judgment, produced a far more acceptable bill from the standpoint of our national economic security.

I would like to briefly indicate several other areas where I am in serious disagreement with certain provisions of S. 2723. Our failure to follow the wise lead of the House in relation to the MX missile represents, in my view, a serious mistake. I have, on other occasions, set forth my reasons for opposing this costly and destabilizing weapon, and will only state that the case for the MX has not become any more compelling in the year that has elapsed since our extended debate on the matter last summer. The idea that moving forward with the MX would prompt the Soviets to reach an arms control agreement has been disproven. As we have moved ahead with the MX, they have walked away from the arms control negotiations. Surely we need a more inventive way to get the Soviets back to the bargaining table than continuing with this destabilizing and unnecessary program.

I also regret that the Senate has not seen fit to substantially reduce funding for the President's strategic defense initiative. As the ranking member of the Foreign Relations Committee, I have had the opportunity to hear extensive testimony on the SDI or "Star Wars" question. I have concluded that pursuing SDI will ultimately be a dangerous program and a waste of billions of dollars. So long as the United States remains dedicated to rendering Soviet strategic forces impotent, I cannot believe that we can halt the arms race and bring about the necessary reductions in strategic weapons that we profess to desire. A number of experts believe that we will live in a much less stable world if both sides proceed with ASAT and space weapons. Under such circumstances, the temptation to strike first and bring about a nuclear confrontation will be heightened.

Finally, in the matter of Central America, I regret the Senate's failure to place limitations on the commit-

ment of U.S. troops and the disapproval of the Inouye/Kennedy proposal to phase down our support for the covert operations against the Government of Nicaragua. There is no question that the American people are becoming quite fearful that policies of this administration are leading the Nation dangerously close to military intervention in Central America. Reflecting these legitimate concerns, the House approved language placing a limitation on the introduction of U.S. Armed Forces into the region by a resounding 341-to-64 margin. The amendment offered by Senators KENNEDY and HATFIELD was essentially the same as the House-passed provision, and should, in my view, have been adopted as a safeguard against U.S. military involvement in a widening war in Central America. Similarly, the compromise offered by Senators INOUE and KENNEDY to phase out our support for the "secret war" in Nicaragua was a positive initiative and should have been adopted by the Senate.

There are a number of areas where S. 2723 represents an improvement over past authorization bills. Conventional programs in a number of areas have been strengthened, modest procurement improvements have been initiated, and the budget in long range research and development has not suffered as greatly as in past years at the expense of weapons procurement. I am pleased that the Senate has reaffirmed the principle of the Tsongas amendment that negotiations take priority over testing of ASAT weapons. I led a delegation of nine U.S. Senators to Moscow last summer where the late Chairman Andropov stated that the Soviets were prepared to dismantle existing ASAT weapons and ban new ones. This proposal has been renewed recently by the new Soviet leadership and, while it is premature to judge the seriousness of the Soviet commitment to this proposal, it is only prudent that we put the Soviet offer to the test.

I also strongly support the committee's continuing commitment to our submarine building program, including the authorization for a 12th Trident submarine and authorization for 4 additional *Los Angeles* class attack submarines. These programs are certainly the most dependable and proven part of our defense arsenal, and I commend the committee for its positive action in this area.

I was also pleased to have worked with the committee on several smaller aspects of the bill, such as the authorization for expanded impact aid for school districts with military installations and the provision calling for the construction of two new submarine research laboratories at the Naval Underwater Systems Center in Newport, RI.

Despite my strong support for these measures and many other positive provisions in this bill, I have concluded that the tremendous rate of increase in defense spending embodied in this bill, together with the continuing commitment to costly and destabilizing strategic programs, compels me to vote against this legislation. If we are to avoid the ultimate apocalypse of nuclear war, the path lies not in the pursuit of strategic weaponry like MX and exotic programs like "Star Wars." Rather, our hope for survival lies in a strong national defense based on credible deterrents, conventional strength, and national economic security. I do not believe that S. 2723 contains the balance necessary to achieve this goal, and thus I have reluctantly decided to oppose this bill.

Mr. MITCHELL. Mr. President, I will vote for the Defense authorization bill for fiscal year 1985. But I will do so reluctantly.

The authorization contained in this measure is enormous: over \$230 billion. Increases in U.S. defense spending are necessary. But we will reach a point of diminishing returns if this rate of increase is maintained. My position has been, and continues to be, that defense spending should be increased in this and each of the 2 succeeding fiscal years by no more than 5 percent, after adjustment for inflation. This is a reasonable and sustainable effort, one which will provide for a cost-effective national defense program.

The \$230 billion represents a real growth increase of about 7 percent over what the United States is expected to spend on defense in the fiscal year which ends on September 30. We do not need that much of an increase. We cannot afford an increase of that magnitude during this period of high deficits, cutbacks in important domestic programs and a decline in citizen purchasing power.

Nor do we need some of the more costly weapons this bill authorizes the Defense Department to develop and buy. For instance, I strongly oppose the MX missile and the B-1 bomber; with the authority this bill provides, we will buy more of both systems, neither of which enhances our national security.

However, I do believe that we must maintain a strong national defense and that we cannot leave anyone—especially any foreign power—with the impression that this Congress is not committed to a strong national defense.

Current events are such that this Congress must permit and indeed, require, the Department of Defense to undertake the defense effort necessary to counter Soviet activities and to contend with other threats to our Na-

tion's interests, wherever and whenever they occur.

While I would have preferred the opportunity to vote for a defense authorization bill which provides a lesser increase, I am pleased that the Committee on Armed Services has pared down the administration's initial request from \$242.8 billion to \$230 billion. This latter figure is consistent with the first concurrent resolution on the budget for fiscal year 1985.

As I have already mentioned, this bill would continue the MX missile program. While I regret this, I am pleased that it denies the President his full request of 40 MX missiles. The committee cut that request by 19 missiles and \$550 million. Unfortunately, a floor amendment to eliminate the entire MX program, which I cosponsored, failed. I am hopeful that the number of missiles approved in the Senate-passed bill will be further reduced in the conference between the House and Senate, and perhaps eliminated altogether during consideration of the defense appropriations bill for fiscal year 1985.

I have additional reasons for supporting the bill despite its excessive cost and the inclusion of some highly questionable weapons systems.

First, the bill totally eliminates the President's request for funds with which the Army planned to establish a facility to produce binary chemical munitions. For the past 3 years, the Senate, over my opposition and by the narrowest of margins, has approved funding for such facilities, though this funding was eliminated in subsequent conferences with the House. The President should now make a concerted effort to initiate multilateral and bilateral negotiations designed to stop future use of all chemical and biological agents as tools of war.

Second, the bill continues the necessary effort to rebuild U.S. naval forces to insure that the U.S. maintains superiority on the seas. Notable items contained in the naval forces section of the bill include construction of four SSN-688 class attack submarines; construction of three CG-47 class guided missile cruisers; construction of the lead ship of the DDG-51 *Arleigh Burke* class of guided missile destroyers; procurement of nine P-3C Orion maritime patrol aircraft; and procurement of other needed naval aircraft.

Third, the bill contains some important provisions the purpose of which is to save money by improving Defense Department procurement policies. Included are provisions which seek to lower the cost of spare parts by increasing contract competition and tightening up on the amount of overhead a prime contractor can load on a contract; encourage greater economies of scale; provide rewards and incentives to personnel who devote thought and energy to cost-cutting; and in-

crease the number of defense suppliers who can compete to produce high quality goods at the lowest possible cost to the Government.

The Defense authorization bill presents a difficult choice. Obviously, we need a strong defense. That requires a substantial authorization bill. Just as obviously, this authorization bill is somewhat excessive and includes weapons systems we neither need nor can afford. My decision to support this bill is based on a belief that its benefits outweigh its deficiencies. But the bill does contain many deficiencies, some of which I hope will be rectified as we proceed with the defense appropriations process. Indeed, last year the Defense authorization bill provided for a 7-percent increase in spending. But during the appropriation process that increase was reduced by about half. I will work toward that same end in this year's appropriation process. And I pledge that I will continue at that time to seek improvements in the policies on which the security of our country depends.

Mr. KENNEDY. Mr. President, I have serious reservations concerning a number of provisions in the legislation as it now stands before the Senate. The authorization is well over 7 percent real growth—a level neither justified in terms of our requirements for national security nor appropriate in light of the enormous deficits facing our Nation and the sacrifice many of our least well off citizens have been forced to make as a result of drastic reductions in domestic programs. The bill continues funding for the destabilizing and wasteful MX missile, albeit at a rate below that proposed by the President. Funding is also continued for the B-1 bomber, a program which is costly and unnecessary in light of the Senate's strong support for the advanced technology bomber. Funding for the "Star Wars" strategic defense initiative is unacceptably high, and the whole premise underlying the SDI is a dangerous step toward a new, destabilizing and costly arms race in space. Although the Senate strengthened the conditions surrounding testing of ASAT systems, the provisions continue to permit the President latitude to launch a new arms race in space, which may eventually threaten our important surveillance and command and control satellites—without any serious exploration of promising potential arms control limitations.

I deeply regret the Senate's rejection of my amendments concerning the use of combat troops in El Salvador and Nicaragua, and funding for the Contras and the not-so-secret war in Nicaragua. Our policy in that vital area of the world threatens further strife and conflict, and continues to turn its back on the prospects for peace and dignity for all citizens, by emphasizing war over diplomacy. I

fully intend to press these issues in the months ahead, because I believe they are essential to assuring a lasting peace in Central America.

A number of important provisions were added to this legislation during our debate. I am particularly pleased that the Senate has overwhelmingly adopted the provisions of the Kennedy-Mathias resolution concerning ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, as well as the Senate's strong support for resuming negotiations on the Comprehensive Test Ban Treaty. The Senate's vote on this amendment sends a strong and clear message to the President that words are not enough; what the Senate and the American people want is serious movement toward genuine arms control. I hope the President will heed this important expression of congressional sentiment.

I strongly support a number of important initiatives the committee has taken to strengthen our conventional forces. In the long run, I believe that these efforts will lead us away from our current, dangerous reliance on our nuclear deterrent. However, I regret that the Senate has failed to adopt what is most essential to preserving the strength, capability, and readiness of our forces—an adequate pay raise necessary to attract and retain the kind of quality individuals who are the key to our national defense.

The extended debate on this legislation demonstrates above all else the Senate's deep concern over the administration's indifference to the most critical issue facing our Nation—the pursuit of effective, verifiable arms control regimes that will strengthen our national security and lessen the dangers of an all-out, ultimate nuclear war, in which there will be no winners, not even any survivors. In the areas of intercontinental missiles, SLCM's, ASAT's, and nuclear testing, the Senate has made clear its deep misgivings over the President's dangerous course. The amendments adopted on this bill are a start, but much more remains to be done. We owe the American people, and all the citizens of this world, no less. I vote no.

COMPETITION IN SPARE PARTS

Mr. GRASSLEY. Mr. President, the legislation adopted by the U.S. Senate to enhance competition in spare parts addresses the problem of excess profits allowed by the Defense Department. This problem points to a lack of willingness on the part of the Defense Department to independently utilize the forces of the competitive market to receive the lowest prices and highest quality merchandise.

Some products are purchased by DOD by as much as 17 times their market price. Spares contracts signed between the Defense Department and

suppliers would never hold up to the rigors of a truly competitive marketplace. The spare parts procurement revisions contained in this bill were a solid contribution and a necessary first step toward dealing with the underlying problems that cause spares to be overpriced.

Competition is visibly lacking in the defense procurement industry. It makes sense that the principles that made this country great would also contribute to our desire to buy more defense at more affordable prices.

The procurement language in the committee bill left me with concerns which my amendment attempted to address. Various waivers were interspersed throughout the bill which might have given contracting officers too much flexibility as to whether competition should be used. I also felt the bill was not clear enough on the means to allow small businesses and other potential bidders into the bidding process.

My amendment made substantial movement toward the House-passed language offered by Congressman BERKLEY BEDELL of Iowa. Most of the provisions in the Bedell language were addressed in my amendment, while maintaining consistency with the Senate committee bill. The one area which must yet be addressed by the Congress and which I consider to be of extreme importance is that of overhead. Before this very difficult subject can be addressed, however, it should be explored in hearings in both the House and Senate. I fully intend to pursue this subject in coming months with my colleagues, and it is my hope in the meantime that the conference committee on this bill will give full and serious consideration to the Bedell language on overhead.

Mr. LEVIN. Mr. President, I should like to take this opportunity to elaborate on why I voted for final passage of the Senate's version of the fiscal 1985 Defense Authorization Act.

There are several positive aspects to this bill:

A major defense procurement reform package which incorporates most of the features of my own legislation to eliminate wasteful Pentagon purchasing practices;

Increased funding—although not as much as I would recommend and prefer—for improving our conventional forces, in both the procurement and readiness areas. In this regard, I am pleased the committee and Senate agreed to authorize 120 more M-1 main battle tanks than sought by the administration.

More program control statements in a Defense authorization bill than in recent memory, which recognizes that mutual and verifiable arms control initiatives can contribute to our national security as complements to military programs. This bill improves on the

committee's recommendation regarding antisatellite weapons arms control and also supports more aggressive arms control efforts regarding under sea-launched cruise missiles and a comprehensive nuclear test ban. The U.S. policy not to undercut the SALT agreements as long as the Soviets do not, was reaffirmed.

No funding for binary chemical weapons which would create troubles for the NATO alliance.

Establishment of the National Peace Academy.

There are many portions of the bill I strongly opposed, including the MX funding and the excessive funding for SDI. I hope we move closer to the House position on these items in conference.

The pluses outweighed the minuses, although there were too many minuses, certainly.

We will work to reduce the number of minuses in conference and hope that the conference report improves in numerous ways on the bill we passed tonight.

Mr. TOWER. Regular order, Mr. President. Third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. TOWER. Mr. President, I ask unanimous consent that the Chair lay before the Senate the bill (H.R. 5167) and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. TOWER. Mr. President, I move to strike out all after the enacting clause of H.R. 5167 and insert in lieu thereof the text of S. 2723, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Oregon [Mr. PACKWOOD], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Vermont [Mr. STAFFORD] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Louisiana [Mr. LONG], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 6—as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—82

Abdnor	Evans	Mitchell
Andrews	Exon	Moynihan
Armstrong	Ford	Murkowski
Baker	Garn	Nickles
Baucus	Glenn	Nunn
Bentsen	Goldwater	Percy
Biden	Gorton	Pryor
Bingaman	Hatch	Quayle
Boren	Hawkins	Randolph
Boschwitz	Hecht	Riegle
Bradley	Heflin	Roth
Bumpers	Heinz	Rudman
Burdick	Helms	Sarbanes
Byrd	Humphrey	Sasser
Chiles	Inouye	Simpson
Cochran	Jepsen	Specter
Cohen	Johnston	Stevens
Cranston	Kasten	Symms
D'Amato	Lautenberg	Thurmond
Danforth	Laxalt	Tower
DeConcini	Leahy	Trible
Denton	Levin	Wallop
Dixon	Lugar	Warner
Dodd	Mathias	Weicker
Dole	Matsunaga	Wilson
Domenici	Mattingly	Zorinsky
Eagleton	McClure	
East	Melcher	

NAYS—6

Hatfield	Metzenbaum	Proxmire
Kennedy	Pell	Tsongas

NOT VOTING—12

Chafee	Hollings	Packwood
Durenberger	Huddleston	Pressler
Grassley	Kassebaum	Stafford
Hart	Long	Stennis

So the bill (H.R. 5167), as amended, was passed.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I move that the title of H.R. 5167 be amended to read as follows:

An act to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEFINITE POSTPONEMENT OF S. 2723

Mr. TOWER. Mr. President, I ask unanimous consent to indefinitely postpone consideration of S. 2723.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent the bill be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I move the Senate insist on its amendments and request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. BOSCHWITZ] appointed Mr. TOWER, Mr. THURMOND, Mr. GOLDWATER, Mr. HUMPHREY, Mr. COHEN, Mr. JEPSEN, Mr. QUAYLE, Mr. EAST, Mr. WILSON, Mr. NUNN, Mr. STENNIS, Mr. HART, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, and solely for consideration of any benefits to be paid by the Veterans' Administration, Mr. SIMPSON, and Mr. CRANSTON.

MILITARY CONSTRUCTION AUTHORIZATION 1985

Mr. TOWER. Mr. President, I ask unanimous consent that when H.R. 5604, a bill to authorize certain construction at military installations in fiscal year, 1985, and for other purposes, is passed by the House and received by the Senate, the Senate be deemed to have proceeded to that bill, that all after the enacting clause be stricken and the language of title II of S. 2723, as amended, be inserted in lieu thereof; that the bill be deemed to have been read a third time and passed, and that the Senate insist on its amendments and request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I also ask unanimous consent the bill be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF ENERGY AUTHORIZATION FOR NATIONAL SECURITY PROGRAMS

Mr. TOWER. Mr. President, I also ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. 2459, a bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1985 and fiscal year 1986, and for other purposes and, that the Senate proceed to its immediate consideration.

Mr. BYRD. Reserving the right to object—

Mr. President, I remove my reservation.

Mr. TOWER. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and the language of title III of S. 2723, as amended, be inserted in lieu thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask for third reading.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2459) to authorize appropriations for the Department of Energy for national security programs for fiscal year 1985 and fiscal year 1986, and for other purposes.

Mr. TOWER. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and the language of title III of S. 2723, as amended, be inserted in lieu thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read a third time.

The bill (S. 2459), was as amended, passed, as follows:

S. 2459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act, 1985".

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 101. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1985 for operating expenses incurred in carrying out national security programs (including scientific research and de-

velopment in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

- (1) For naval reactors development, \$426,400,000.
- (2) For weapons activities, \$3,340,754,000.
- (3) For verification and control technology, \$73,700,000.
- (4) For materials production, \$1,377,490,000.
- (5) For defense waste and byproducts management, \$358,700,000.
- (6) For nuclear safeguards and security, \$58,000,000.
- (7) For security investigations, \$34,000,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1985 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

- (1) For naval reactors development:
 - Project 85-N-101, general plant projects, various locations, \$2,000,000.
 - Project 82-N-111, materials facility, Savannah River, South Carolina, \$40,000,000, for a total project authorization of \$165,000,000.
 - Project 81-T-112, modifications and additions to prototype facilities, various locations, \$6,000,000, for a total project authorization of \$110,000,000.
- (2) For weapons activities:
 - Project 85-D-101, general plant projects, various locations, \$29,600,000.
 - Project 85-D-111, general plant projects, various locations, \$30,200,000.
 - Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, phase I, various locations, \$35,400,000.
 - Project 85-D-103, safeguards and security enhancements, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, \$4,700,000.
 - Project 85-D-104, test devices assembly building, Los Alamos National Laboratory, Los Alamos, New Mexico, \$800,000.
 - Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, \$3,000,000.
 - Project 85-D-106, hardened radiography facility, site 300, Lawrence Livermore National Laboratory, Livermore, California, \$800,000.
 - Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, \$4,500,000.
 - Project 85-D-113, power plant and steam distribution system, Pantex Plant, Amarillo, Texas, \$4,500,000.
 - Project 85-D-114, safeguards vaults, Y-12 Plant, Oak Ridge, Tennessee, \$3,100,000.
 - Project 85-D-115, renovate plutonium building utility systems, Rocky Flats Plant, Golden, Colorado, \$5,800,000.
 - Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, \$5,000,000.
 - Project 85-D-122, safeguards and site security upgrade, Mound Facility, Miamisburg, Ohio, \$2,700,000.
 - Project 85-D-123, safeguards and site security upgrade, phase I, Pantex Plant, Amarillo, Texas, \$1,000,000.

Project 85-D-124, safeguards and site security upgrade, Rocky Flats, Golden, Colorado, \$1,000,000.

Project 85-D-125, tactical bomb production facilities, various locations, \$10,000,000.

Project 84-D-102, radiation-hardened integrated circuit laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$20,000,000, for a total project authorization of \$22,000,000.

Project 84-D-103, hardened central guard force facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$5,600,000, for a total project authorization of \$6,200,000.

Project 84-D-104, nuclear materials storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$6,500,000, for a total project authorization of \$7,200,000.

Project 84-D-105, safeguards and security upgrades, phase I, Los Alamos National Laboratory, Los Alamos, New Mexico, \$10,100,000, for a total project authorization of \$15,100,000.

Project 84-D-106, security system upgrade, Sandia National Laboratories, Albuquerque, New Mexico, \$2,300,000 for a total project authorization of \$3,800,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations \$21,900,000, for a total project authorization of \$45,400,000.

Project 84-D-112, TRIDENT II warhead production facilities, various locations, \$60,700,000, for a total project authorization of \$80,000,000.

Project 84-D-114, consolidated manufacturing facility, Rocky Flats Plant, Golden, Colorado, \$18,100,000, for a total project authorization of \$42,200,000.

Project 84-D-115, electrical system expansion, Pantex Plant, Amarillo, Texas, \$10,000,000, for a total project authorization of \$11,500,000.

Project 84-D-117, inert assembly and test facility, Pantex Plant, Amarillo, Texas, \$11,700,000, for a total project authorization of \$13,200,000.

Project 84-D-119, railroad track replacement and upgrade, Pantex Plant, Amarillo, Texas, \$6,800,000, for a total project authorization of \$7,600,000.

Project 84-D-120, explosive component test facility, Mound Facility, Miamisburg, Ohio, \$16,900,000, for a total project authorization of \$20,000,000.

Project 84-D-121, safeguards and site security upgrading, Rocky Flats Plant, Golden, Colorado, \$11,200,000, for a total project authorization of \$21,200,000.

Project 84-D-124, environmental improvements, Y-12 Plant, Oak Ridge, Tennessee, \$21,400,000, for a total project authorization of \$29,000,000.

Project 84-D-211, safeguards and site security upgrading, Y-12 Plant, Oak Ridge, Tennessee, \$8,000,000, for a total project authorization of \$15,500,000.

Project 84-D-212, safeguards and site security upgrade, Pinellas Plant, Florida, \$2,700,000, for a total project authorization of \$3,700,000.

Project 83-D-199, buffer land acquisition, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, \$7,000,000, for a total project authorization of \$17,000,000.

Project 82-D-107, utilities and equipment restoration replacement and upgrade phase III, various locations, \$161,600,000, for a total project authorization of \$572,500,000.

Project 82-D-111, interactive graphics systems, various locations, \$6,800,000, for a total project authorization of \$20,000,000.

Project 82-D-144, simulation technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$11,500,000, for a total project authorization of \$23,700,000.

Project 82-D-150, weapons materials research and development facility, Lawrence Livermore National Laboratory, Livermore, California, \$16,800,000, for a total project authorization of \$27,200,000.

Project 81-D-101, particle beam fusion accelerator-II Sandia National Laboratories, Albuquerque, New Mexico, \$3,500,000, for a total project authorization of \$45,650,000.

Project 81-D-115, missile X warhead production facilities, various locations, \$20,900,000, for a total project authorization of \$125,000,000.

Project 81-D-120, control of effluents and pollutants, Y-12 Plant, Oak Ridge, Tennessee, \$1,400,000, for a total project authorization of \$7,800,000.

Project 81-D-134, earthquake damage restoration, Sandia National Laboratories, Livermore, California, \$4,900,000, for a total project authorization of \$8,600,000.

Project 79-7-0, universal pilot plant, Pantex Plant, Amarillo, Texas, \$3,800,000, for a total project authorization of \$15,900,000.

(3) For verification and control technology:

Project 85-D-171, space science laboratory, Los Alamos, New Mexico, \$1,000,000.

(4) For materials production:

Project 85-D-131, general plant projects, various locations, \$30,000,000.

Project 85-D-132, plant engineering and design, various locations, \$2,000,000.

Project 85-D-136, components protection system, 100-N area, Richland, Washington, \$3,300,000.

Project 85-D-137, vault safety special nuclear material inventory system, Richland, Washington, \$2,500,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$10,000,000.

Project 85-D-140, productivity and radiological improvements, Feed Materials Production Center, Fernald, Ohio, \$6,000,000.

Project 85-D-142, fuel tube facilities, fuel preparation area, Savannah River, South Carolina, \$8,000,000.

Project 85-D-145, uranyl nitrate to oxide conversion facility, Savannah River, South Carolina, \$1,800,000.

Project 84-D-130, modification processing facility substations, Savannah River, South Carolina, \$200,000, for a total project authorization of \$5,800,000.

Project 84-D-134, safeguards and security improvements, Plantwide, Savannah River, South Carolina, \$14,900,000, for a total project authorization of \$26,900,000.

Project 84-136, enriched uranium conversion facility modifications, Y-12 Plant, Oak Ridge, Tennessee, \$8,000,000, for a total project authorization of \$12,400,000.

Project 84-D-137, facility security systems upgrade, Idaho Fuels Processing Facility (IFPF), Idaho National Engineering Laboratory, Idaho, \$8,000,000, for a total project authorization of \$10,000,000.

Project 83-D-146, water pollution control, Feed Materials Production Center, Fernald, Ohio, \$4,100,000, for a total project authorization of \$9,500,000.

Project 83-D-147, pollution discharge elimination, Savannah River, South Carolina, \$2,150,000, for a total project authorization of \$8,650,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River,

South Carolina, \$11,500,000, for a total project authorization of \$19,000,000.

Project 83-D-180, facility storage modifications, various locations, \$6,500,000, for a total project authorization of \$15,800,000.

Project 82-D-124, restoration of production capabilities, phases II, III, IV, and V, various locations, \$68,800,000, for a total project authorization of \$300,634,000.

Project 82-D-128, plant perimeter security systems upgrade, Idaho Fuels Processing Plant, Idaho National Engineering Laboratory, Idaho, \$400,000, for a total project authorization of \$5,400,000.

Project 82-D-136, fuel processing facilities upgrade, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$1,000,000, for a total project authorization of \$46,000,000.

Project 82-D-201, special plutonium recovery facilities, JB-Line, Savannah River, South Carolina, \$28,800,000, for a total project authorization of \$65,800,000.

(5) For defense waste and byproducts management:

Project 85-D-156, general plant projects, interim waste operations and long-term waste management technology, various locations, \$23,645,000.

Project 85-D-157, seventh calcined solids storage facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$7,000,000.

Project 85-D-158, central warehouse upgrade, Richland, Washington, \$700,000.

Project 85-D-159, new waste transfer facilities, H Area, Savannah River, South Carolina, \$11,000,000.

Project 85-D-160, test reactor area security system upgrade, Idaho National Engineering Laboratory (INEL), Idaho, \$2,000,000.

Project 83-D-157, additional radioactive waste storage facilities, Richland, Washington, \$3,155,000, for a total project authorization of \$53,155,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, \$238,000,000, for a total project authorization of \$440,000,000.

Project 77-13-f, waste isolation pilot plant, Delaware Basin, Southeast, New Mexico, \$51,100,000, for a total project authorization of \$394,200,000.

(6) For capital equipment not related to construction—

(A) for naval reactors development, \$22,500,000;

(B) for weapons activities, \$239,850,000;

(C) for inertial confinement fusion, \$9,500,000;

(D) for verification and control technology, \$2,000,000;

(E) for materials production, \$122,660,000;

(F) for defense waste and byproducts management, \$35,771,000; and

(G) for nuclear safeguards and security, \$4,700,000.

TITLE II—GENERAL PROVISIONS

REPROGRAMMING

Sec. 201. (a) Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or \$10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of thirty calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) In no event may the total amounts of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this Act.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated costs of the construction project does not exceed \$1,000,000.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total amount of funds obligated to carry out all general plant projects authorized by this Act exceed the total amount authorized to be appropriated for such projects by this Act.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress, construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriations Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 205. (a)(1) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed \$2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds \$300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least thirty days before any funds are obligated for design services for such project.

(b) In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds \$2,000,000, funds for such design must be specifically authorized by law.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 206. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 207. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENTS FOR PAY INCREASES

SEC. 208. Appropriations authorized by this Act for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts appropriated for Department of Energy defense programs may remain available until expended.

CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING OUT OF ATOMIC WEAPONS TESTING PROGRAMS

SEC. 210. (a)(1) The remedy against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, or by the Act of March 9, 1920 (46 U.S.C. 741-752 and 781-790), as appropriate, for injury, loss of property, personal injury, or death shall apply to any civil action for injury, loss of property, personal injury, or death due to exposure to radiation based on acts or omissions by a contractor in carrying out an atomic weapons testing program under a contract with the United States.

(2) The remedies referred to in paragraph (1) shall be exclusive of any other civil action or proceeding for the purpose of determining civil liability arising from any act or omission of the contractor without regard to when the act or omission occurred. The employees of a contractor referred to in paragraph (1) shall be considered to be employees of the Federal Government, as provided in section 2671 of title 28, United States Code, for the purposes of any

such civil action or proceeding; and the civil action or proceeding shall proceed in the same manner as any action against the United States filed pursuant to section 1346(b) of such title and shall be subject to the limitations and exceptions applicable to those actions.

(b) A contractor against whom a civil action or proceeding described in subsection (a) is brought shall promptly deliver all processes served upon that contractor to the Attorney General of the United States. Upon certification by the Attorney General that the suit against the contractor is within the provisions of subsection (a), a civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceedings shall be deemed a tort action brought against the United States under the provisions of section 1346(b), 2401(b), or 2402, or sections 2671 through 2680 of title 28, United States Code. For purposes of removal, the certification by the Attorney General under this subsection establishes contractor status conclusively.

(c) The provisions of this section shall apply to any action now pending or hereafter commenced which is an action within the provisions of subsection (a) of this section. Notwithstanding section 2401(b) of title 28, United States Code, if a civil action or proceeding pending on the date of enactment of this section is dismissed because the plaintiff in such action or proceeding did not file an administrative claim as required by section 2672 of that title, the plaintiff in that action or proceeding shall have 30 days from the date of the dismissal or two years from the date upon which the claim accrued, whichever is later, to file an administrative claim, and any claim or subsequent civil action or proceeding shall thereafter be subject to the provisions of section 2401(b) of title 28, United States Code.

(d) For purposes of this section, "contractor" includes a contractor or cost reimbursement subcontractor of any tier participating in the conduct of the United States atomic weapons testing program for the Department of Energy (or its predecessor agencies, including the Manhattan Engineer District, the Atomic Energy Commission, and the Energy Research and Development Administration). Such term also includes facilities which conduct or have conducted research concerning health effects of ionizing radiation in connection with the testing under contract with the Department of Energy (or any of its predecessor agencies).

COST-EFFECTIVE FUNDING OF NUCLEAR WEAPONS

SEC. 211. (a) The President shall establish a Blue Ribbon Task Group to examine the current procedures used by the Department of Defense and the Department of Energy in establishing requirements for, and in providing resources for, the research, development, testing, production, surveillance and retirement of nuclear weapons. The purpose of the Group's effort will be to recommend any needed change in such procedure.

(b) The Group shall consist of seven members, qualified by reasons of experience and education. The President shall appoint three members and shall designate one member to act as chairman of the Group. The majority and minority leaders of the Senate and the House of Representatives shall each appoint one member. None of these members shall be an employee of the

Department of Energy, the Department of Defense, or any contractor employed by either such Department and involved in the research, development, testing, production, surveillance or retirement of nuclear weapons.

(c) Within 90 days of the date of enactment of this Act, the President shall submit the names of those persons appointed to such Group, together with the qualifications of such persons to serve on such Group, and a detailed plan for completing the report required by subsection (e) to the Committees on Armed Services of the Senate and the House of Representatives.

(d) The President shall insure that the Group has complete and timely access to Department of Energy and Department of Defense employees and records pertaining to such procedures.

(e) The Group shall submit a report of their findings and recommendations to the President and the Armed Services Committees of the Senate and the House of Representatives within 180 days of the date of enactment of this Act. Such report shall include any additional or dissenting views that any members of the Group may wish to submit. As a minimum, the study shall include recommendations in the following areas—

(1) ways to improve coordination between the Department of Energy and the Department of Defense to ensure cost-effective implementation of weapon activities and materials production;

(2) cost-effective improvements that can be made in budgeting and management procedures that affect weapon activities and materials productions; and

(3) whether the Department of Defense should assume the responsibility for funding current Department of Energy weapon activities and materials production programs.

REVIEW OF THE INERTIAL CONFINEMENT FUSION PROGRAM

SEC. 212. (a) The President shall establish, within 30 days after the date of the enactment of this Act, a review body to be known as the Technical Review Group on Inertial Confinement Fusion (hereinafter in this section referred to as the "Technical Review Group"). The President shall appoint to serve on the Technical Review Group only persons who are highly qualified experts in the related fields of laser technology and plasma physics as well as persons who are highly qualified in the development and testing of nuclear weapons.

(b) It shall be the function of the Technical Review Group to thoroughly review the current inertial confinement fusion program of the United States and to report its findings to the President and to the appropriate committees of Congress as provided in subsection (c).

(c) The Technical Review Group shall submit written reports to the President and to the appropriate committees of the Congress containing the results of its review, together with such recommendations regarding priorities for future work in the inertial confinement fusion program as the Technical Review Group determines appropriate, as follows:

(1) A first interim report on or before October 1, 1984.

(2) A second interim report on or before February 1, 1985.

(3) A final report on or before January 1, 1986.

(d) Upon the submission of its final report, the Technical Review Group shall cease to exist.

NAVAL NUCLEAR PROPULSION PROGRAM

SEC. 213. The provisions of Executive Order Numbered 12344, dated February 1, 1982, pertaining to the Naval Nuclear Propulsion Program, shall remain in force until changed by law.

AUTHORIZATION FOR PRODUCTION OF THE 155-MILLIMETER ARTILLERY-FIRED, ATOMIC PROJECTILE

SEC. 214. (a) Notwithstanding any other provision of law, the Secretary of Energy may obligate not more than \$50,000,000 from funds otherwise authorized to be appropriated in this Act for the construction of facilities necessary to produce the 155-millimeter artillery-fired, atomic projectile (Project 82-D-109).

(b) Notwithstanding any other provision of law, in the case of the 155-millimeter atomic-fired artillery projectile (W-82) and the 8-inch atomic-fired artillery projectile (W-79), the following conditions shall be adhered to:

(1) the total number of both such warheads produced may not exceed 925;

(2) the total funds that may be expended for the production of both such warheads subsequent to the date of enactment of this Act shall not exceed \$1,100,000,000;

(3) no such warheads produced after the date of enactment of this Act may be produced in the enhanced radiation version;

(4) in producing both such warheads, special emphasis shall be placed upon improvements in the safety, security, range, and survivability of such warheads; and

(5) replacement of obsolete atomic-fired, artillery projectiles now in Europe with such improved warheads will be accomplished within the nuclear stockpile limits agreed to by NATO Defense Ministers at Montebello, Canada, in October 1983, which required the withdrawal of 1,400 warheads from the European stockpile in addition to the 1,000 warheads withdrawn in 1980.

(c) No action may be taken to implement the authority contained in this section until the Secretary of Defense has submitted a plan for the implementation of the provisions of this section to the Committees on Armed Services of the Senate and the House of Representatives.

Mr. TOWER. Mr. President, I ask unanimous consent that the title of the bill be amended to read as follows:

A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1985 and fiscal year 1986, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the bill be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSIONS OF APPRECIATION AND GRATITUDE

Mr. BYRD. Mr. President, I want to express appreciation and gratitude for the fine work that has been done by Mr. Tower and Mr. NUNN in guiding this complex and controversial bill through the Senate. They have been

most considerate of all Senators who have had amendments to be called up.

I do not know when I have seen two managers work with greater skill than these two Senators have in connection with this bill.

Mr. STEVENS. Mr. President, I join my good friend, the Democratic leader, in commending the two managers of the bill and the fine relationship they have developed over the years they have served together on the Armed Services Committee, and we are all aware of the fact that this is Senator Tower's last bill that he will manage in this capacity. As I have indicated, it should literally be called the Tower bill. It is a monumental bill in terms of the Department of Defense and a tribute to the Senator from Texas and the Senator from Georgia.

ROUTINE MORNING BUSINESS

(During the day morning business was transacted and statements were submitted, as follows:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 152

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority totaling \$1,850,000 and five revised deferrals of budget authority which now total \$98,533,000. The deferrals affect the Department of Energy.

The details of the deferrals are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, June 20, 1984.

12TH ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT—PM 153

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

As provided by the Federal Advisory Committee Act, I am pleased to transmit the Twelfth Annual Report on Federal Advisory Committees.

In fiscal year 1983, Federal advisory committees contributed significant expertise to the discussion of important issues facing our Nation. With the assistance of these committees major initiatives were undertaken in areas such as social security reform, national security, and government efficiency. Other committees furnished valuable advice to Federal agencies concerned with scientific research, health programs, environmental issues, international diplomacy, as well as economic, social, and cultural affairs.

Since 1981, Federal agencies have achieved substantial overall savings in advisory committee program costs while continuing to make active use of committees in the Government decisionmaking process. These savings have been achieved without the sacrifice of the quality advice the agencies have required. The participation of the best possible members on a voluntary basis where possible, but on a compensatory basis where appropriate, must continue to be the goal. I plan to issue shortly a memorandum to executive branch agencies providing further guidance to sustain and improve upon these accomplishments.

The efficient and selective use of advisory committees was one of the major objectives of the Congress in enacting the Federal Advisory Committee Act. I am particularly concerned that advisory committees be established only when they are necessary, that they be carefully supported and monitored during their existence, and that they be promptly terminated when their mission is completed.

I commend the members who have served on advisory committees and thank them for sharing their experience, knowledge, and advice. Advisory committees can and have demonstrated the value of a continuing partnership between citizens and their government.

RONALD REAGAN.

THE WHITE HOUSE, June 20, 1984.

MESSAGES FROM THE HOUSE

At 12:43 p.m., a message from the House of Representatives was delivered by Ms. Goetz, one of its reading clerks, announced that the House had passed the following bill without amendment:

S. 2776. A bill to continue the transition provisions of the Bankruptcy Act until June 27, 1984, and for other purposes.

ENROLLED BILL SIGNED

At 5:28 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2776. An Act to continue the transition provisions of the Bankruptcy Act until June 27, 1984, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. THURMOND].

At 5:36 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5174) to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstances under which collective bargaining agreements may be rejected in cases under chapter 11, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. RODINO, Mr. KASTENMEIER, Mr. EDWARDS of California, Mr. SEIBERLING, Mr. HUGHES, Mr. SYNAR, Mr. GLICKMAN, Mr. MORRISON of Connecticut, Mr. FISH, Mr. MOORHEAD, Mr. KINDNESS, and Mr. SAWYER as managers of the conference on the part of the House.

MEASURE HELD AT DESK

The following bill was held at the desk by unanimous consent:

H.R. 5365. An act to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order.

MEASURES PLACED ON THE CALENDAR

The Committee on Labor and Human Resources was discharged from the further consideration of the following bill; which was placed on the calendar:

H.R. 2878. An act to amend and extend the Library Services and Construction Act.

The Committee on Environment and Public Works was discharged from the

further consideration of the following bill; which was placed on the calendar:

H.R. 4585. An act to authorize appropriations for the Office of Environmental Quality and the Council on Environmental Quality for fiscal years 1985, 1986, 1987, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary reported that on today, June 20, 1984, he had presented to the President of the United States the following enrolled bill:

S. 2776. An act to continue the transition provisions of the Bankruptcy Act until June 27, 1984, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WEICKER, from the Committee on Small Business, with an amendment in the nature of a substitute:

S. 2375. A bill to amend the Small Business Act to improve the operation of the secondary market for loans guaranteed by the Small Business Administration.

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 121. Concurrent resolution expressing the sense of the Congress regarding the nondelivery in the Soviet Union of certain mail from the United States, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

Robert N. Broadbent, of Nevada, to be an Assistant Secretary of the Interior; and Charles G. Stalon, of Illinois, to be a member of the Federal Energy Regulatory Commission for a term expiring October 20, 1987.

(The above nominations were reported from the Committee on Energy and Natural Resources with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PERCY, from the Committee on Foreign Relations:

Treaty Doc. 98-4. Supplementary Convention on Extradition With Sweden (Exec. Rept. No. 98-27).

Treaty Doc. 98-15. Convention With France on the Transfer of Sentenced Persons (Exec. Rept. No. 98-28).

Treaty Doc. 98-16. Extradition Treaty with Thailand (Exec. Rept. No. 98-29).

Treaty Doc. 98-17. Extradition Treaty with Costa Rica (Exec. Rept. No. 98-30).

Treaty Doc. 98-18. Extradition Treaty with Jamaica (Exec. Rept. No. 98-31).

Treaty Doc. 98-19. Extradition Treaty with Ireland (Exec. Rept. No. 98-32).

Treaty Doc. 98-20. Extradition Treaty with Italy (Exec. Rept. No. 98-33).

Treaty Doc. 98-23. Convention on the Transfer of Sentenced Persons (Exec. Rept. No. 98-34).

Treaty Doc. 98-24. Convention on Mutual Legal Assistance with the Kingdom of Morocco (Exec. Rept. No. 98-35).

Treaty Doc. 98-25. Mutual Legal Assistance Treaty With Italy (Exec. Rept. No. 98-36).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself and Mr. RIEGLE):

S. 2778. A bill to reorganize the Department of Health and Human Services by establishing an independent agency, governed by a bipartisan board, to administer the old-age, survivors, and disability insurance program and the supplemental security income program under titles II and XVI of the Social Security Act, to provide appropriate delegations of authority to such agency from the General Services Administration and the Office of Personnel Management, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CHAFEE:

S. 2779. A bill to require shareholders approval for certain repurchases of corporate stock; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WILSON:

S. 2780. A bill for the relief of Henry Brimmer; to the Committee on the Judiciary.

By Mr. HEFLIN (for himself, Mr. NUNN, Mr. STENNIS, and Mr. ZORINSKY):

S. 2781. A bill to amend the Packers and Stockyards Act, 1921 to remove processed poultry marketings from coverage of such Act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO (by request):

S. 2782. A bill to amend the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

S. 2783. A bill to amend the Securities Exchange Act of 1934 to prohibit acquisitions of corporate control except by means of tender offers for all outstanding shares, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 2784. A bill to amend the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

S. 2785. A bill to amend the Securities Exchange Act of 1934 to authorize the Securities and Exchange Commission to subject banks, associations, and other entities that exercise fiduciary powers, to the same regulations as brokerdealers, pursuant to section 14(b) of the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DECONCINI (for himself and Mr. GRASSLEY):

S.J. Res. 317. Joint resolution to designate August 1, 1984, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. WEICKER, Mr. KENNEDY, Mr. RANDOLPH, Mr. GARN, Mr. NICKLES, Mrs. HAWKINS, Mr. METZENBAUM, Mr. DOLE, Mr. NUNN, Mr. CHAFEE, Mr. RIEGLE, Mr. EAGLETON, Mr. STAFFORD, Mr. CHILES, Mr. DIXON, Mr. LAUTENBERG, Mr. HEINZ, Mr. HOLLINGS, Mr. QUAYLE, Mr. DURENBERGER, Mr. JEPSEN, Mr. TSONGAS, Mr. GLENN,

Mr. HUMPHREY, Mr. GRASSLEY, Mr. THURMOND, and Mr. COCHRAN):

S.J. Res. 318. Joint resolution to designate the week of September 16, 1984 through September 22, 1984, as "National Developmental Disabilities Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HOLLINGS (for himself, Mr. KENNEDY, Mr. JEPSEN, Mr. DOLE, Mr. TSONGAS, Mr. MATSUNAGA, Mr. DECONCINI, Mr. ABDNOR, Mr. NUNN, Mr. SYMMS, Mr. GOLDWATER, Mr. COCHRAN, Mr. LUGAR, Mr. EAGLETON, Mr. WEICKER, Mr. HART, Mr. PROX-MIRE, Mr. PERCY, Mr. BURDICK, Mr. SARBANES, Mr. CRANSTON, Mr. DODD, Mr. CHAFEE, Mr. THURMOND, Mr. JOHNSTON, Mr. LEVIN, Mr. STENNIS, Mr. HATCH, Mr. GORTON, Mr. LAUTENBERG, Mr. DIXON, Mr. BOSCHWITZ, Mr. MITCHELL, Mr. HUDDLESTON, and Mr. RIEGLE):

S. Res. 412. Resolution to congratulate and commend the USA Philharmonic Society; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. RIEGLE):

S. 2778. A bill to reorganize the Department of Health and Human Services by establishing an independent agency, governed by a bipartisan board, to administer the old-age, survivors, and disability insurance program and the supplemental security income program under titles II and XVI of the Social Security Act, to provide appropriate delegations of authority to such agency from the General Services Administration and the Office of Personnel Management, and for other purposes; to the Committee on Governmental Affairs.

SOCIAL SECURITY REORGANIZATION ACT

● Mr. PRYOR. Mr. President, today I am introducing legislation to create an independent Social Security agency to administer the old-age and survivors, disability, and supplemental security income benefit programs. I believe this change is clearly needed, and I urge my colleagues to join me in this effort.

In 1935, the Social Security Program was established to provide some stability and insurance in old age against the loss of income in retirement. The size and scope of this agency has grown dramatically—in 1940 less than \$1 billion in benefits were paid out, but by 1985 Social Security Administration expenditures are expected to be \$200 billion, or 30 percent of the Federal domestic expenditures. In that year, SSA will issue approximately 600 million checks to over 40 million recipients. This is in addition to the administrative work necessary to process 6.2 million new claims, and action to

keep present claims in order and accurate. And SSA's responsibilities will only increase as our population continues to age. By 1990 some estimate that almost \$400 billion in benefits will be paid out.

It comes as no surprise—considering SSA's broad range of responsibilities, the recent concerns over the financial stability of the trust funds and general national budget concerns, and SSA's history of operating and management problems—that public confidence in this most important agency is at an all-time low.

One of the major factors contributing to SSA's operating and management problems has been the lack of strong and consistent leadership. Over the last 12 years there have been nine different Commissioners of the Social Security Administration, each with his own priorities and directives from the administration by which he was appointed. And since January 1983, when then-Commissioner John Svahn was nominated for Under Secretary of the Department of Health and Human Services, the Senate has not received a nomination for this most important position. Thus, the Congress has found it necessary to draft, debate, and approve two historic pieces of Social Security legislation, the 1983 reform bill and the 1984 disability reform bill, without a confirmed Commissioner.

The structure of the legislation I am introducing today would greatly improve the stability and continuity of the leadership at Social Security. The five-member Board with staggered 10-year terms and a Board-appointed Commissioner with a 5-year term should prevent the frequent turnover and extended vacancies in leadership experienced in recent years.

But beyond these concerns, independence of the Social Security Administration at this time is a logical proposal. This agency has unique responsibilities, and its activities affect nearly every citizen in the United States at one time or another. Social Security benefits are funded through combined employer-employee contributions, and this program should not be viewed in the same manner as other general revenue financed programs are. Yet, as but one of the agencies under the Health and Human Services umbrella, Social Security has not received the independent attention it should have relative to its size and degree of importance to all Americans.

While administrative independence from the Department of Health and Human Services would not, of itself, correct all the Social Security Administration's management and image problems, and automatically restore public confidence, I believe that, as a separate agency organized under the structure in the legislation I am pro-

posing today, the Social Security Administration should be able to attract capable management personnel and be held more accountable for its responsibilities. In addition, a separate agency, headed by a governing board which develops program policy, and managed by an able administrator, will help to depoliticize Social Security issues, and insulate beneficiaries from the threat of precipitous benefit reductions and arbitrary budget cutting measures.

I also believe that this legislation would greatly improve the structure of the Appeals Council, and enhance procedural fairness in what has been an adjudicative nightmare over the last several years. During discussion on this legislation I would hope that some consideration be given to S. 1911, legislation which I introduced last year to create an independent review commission for Health and Human Services administrative law judges.

Perhaps one of the best arguments for restructuring the Social Security agency has been the deplorable manner in which the triannual reviews of disabled individuals have been conducted. These reviews are an excellent example of a way in which a simple directive to an agency can result in the wholesale benefit terminations of thousands of truly disabled individuals with the sole purpose of saving program dollars. These terminations represent a very dark period in our Nation's history. If the Social Security Administration had been an independent agency, free of political pressure, the crisis we have recently weathered with regard to Social Security disability might never have occurred.

In addition, over the last few years, there has been growing concern over the manner in which the trust fund reserves have been invested, particularly in light of Social Security's recent financial crisis. I believe that a board of directors responsible for developing program policy could place emphasis on the investment of trust fund reserves and look forward to a higher yield on our citizens' contributions to Social Security through a carefully planned and monitored investment policy.

Originally the Social Security Program was administered by an independent agency, governed by a board of directors. The 1981 Commission on Social Security and the 1983 Commission on Social Security Reform both recommended restoration of this original independent administrative structure for Social Security. On June 12, the Congressional Panel on Social Security Organization, headed by the distinguished former Comptroller General of the United States, Elmer B. Staats, recommended to the Congress a somewhat different independent administrative structure. I believe the legislation I am introducing today incorporates the best recommenda-

tions of previous studies and proposes an organizational structure that meets the unique requirements of this agency.

This legislation is being introduced in the House of Representatives by Congressman ROYBAL, the distinguished chairman of the Select Committee on Aging, and others, today, and I commend Chairman ROYBAL and his colleagues for their efforts. I am pleased to be joined by the Senator from Michigan [Mr. RIEGLE] in introducing this bill in the Senate, and I invite the support of my colleagues.

Mr. President, I ask that a factsheet on this legislation be printed at this point in the RECORD, and that the text of the bill be printed following the factsheet.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AN INDEPENDENT SOCIAL SECURITY AGENCY

1. GENERAL STRUCTURE AND RESPONSIBILITY

Remove the Old Age, Survivors and Disability Insurance programs plus Supplemental Security Income from HHS and place them under a free standing Social Security Agency. (Leave Medicare/Medicaid, Refugee Resettlement, AFDC, Energy Assistance and Child Support Enforcement in HHS).

The Agency is governed by a five member Board of Directors which appoints a single Commissioner to a five year term. A public Ombudsman represents citizen concerns expressed by a nine member Citizens' Advisory Committee. An Inspector General assesses Agency performance.

The management of the Agency is strengthened by giving it greater flexibility and independence from GSA and OPM as recommended by the Staats Panel.

2. THE BOARD OF DIRECTORS

Membership

Five members nominated by the President and confirmed by the Senate for ten year terms staggered so that one term expires at the end of each even numbered year. The Chairman is appointed by the President. (Three initial board members are appointed to terms ending in 1989, 1991, and 1993. Two additional board members are added in 1989 with terms expiring in 1995 and 1997). Removal during term requires a finding of neglect of duty or malfeasance by the President which must be transmitted in writing to Congress in five days.

Responsibilities

(A) To govern the Agency through regulation.

(B) To appoint a Commissioner to be the Chief Operating Officer.

(C) To act as Trustees for the Social Security Trust Funds. Other Trustees are the Secretaries of the Treasury and HHS and two public members required by the 1983 Amendments.

(D) To make budgetary recommendations and defend such recommendations before the Congress.

(E) To provide analysis, information and recommendations to the Congress and the President on proposed changes in Social Security programs.

(F) To conduct policy analysis and research.

Due to the board's responsibilities, its staff includes SSA's current Office of the

Actuary, Office of Policy, and Office of the General Counsel.

THE COMMISSIONER

The Commissioner is appointed by the Board to a five year term (except that the first term ends December 31, 1989). Removal during the term requires a majority vote of the full Board following findings of neglect of duty or malfeasance which must be transmitted in writing to the Congress within five days.

Responsibilities

(A) To be the chief operating officer responsible for administering Social Security programs in a manner consistent with law and regulations.

(B) To devise and implement long-run plans to improve the effectiveness and administration of these programs.

(C) To organize and maintain an efficient and effective operational structure. Such structure shall include a separate Office of Hearings and Appeals headed by a Chief Administrative Law Judge nominated by the Commissioner and appointed by the Board to a five year term (except that the initial appointment ends December 31, 1990). Among other qualifications, the chief ALJ must have at least five years experience as an ALJ in SSA.

(D) To prepare and defend the administrative budget and special administrative initiatives before the Board and the Congress.

(E) To advise the Board and the Congress of the administrative impact of legislative changes in Social Security programs.

(F) To act as Secretary to the Board of Trustees.

(G) To make an annual report to the Board and the Congress on the administrative endeavors and accomplishments of the Agency.

One organizational structure a Commissioner at his/her discretion might establish could include offices for: (1) Program Operations; (2) Field Operations; (3) Central Operations; (4) Management, Budget and Personnel; (5) Computer Systems; (6) Assessment and Evaluation; and (7) External Affairs.

4. THE OMBUDSMAN

An Ombudsman is appointed by the Board to a 5 year term (except that the initial term ends December 31, 1991). Removal during term requires a majority vote of the full Board following findings of neglect of duty or malfeasance which must be transmitted in writing to the Congress within five days.

Responsibilities

(A) To represent the concerns of the public, including beneficiaries, to the Board and Commissioner and to the President and the Congress.

(B) To provide staff support to a permanent Citizens' Advisory Committee which issues a biennial report to the Congress assessing Social Security programs, financing and administration.

(C) To make such studies and surveys of administrative effectiveness and program policy goals as he/she deems proper and as requested by a majority of the members of the Citizens' Advisory Committee.

The Citizens' Advisory Committee consists of nine part-time members appointed for staggered three year terms with its chairperson elected by the Committee for a one year term. The Speaker of the House, the Majority Leader of the Senate (in consultation with the Chairman of the Committee

of Government Operations, Ways and Means, Government Affairs, and Finance) and the Chairman of the Board each appoint three members to be equally representative of beneficiaries, employers (including the self-employed), and employees.

5. THE INSPECTOR GENERAL

An Inspector General, nominated by the President and confirmed by the Senate, is established pursuant to the Inspector General's Act of 1978 as amended.

6. OTHER

The legislation includes a statement of a beneficiary's "bill of rights".

The legislation incorporates the recommendations of the Staats Panel on Social Security organization with regard to strengthening management. These recommendations: 1) base SSA personnel budget on a workforce plan rather than a personnel ceiling; 2) allow SSA greater authority for computer acquisition and property management; and 3) allow SSA greater flexibility in recruiting new employees and compensating senior executives.

The Board, GAO and the Secretary of HHS are required to report to the Congress in five years an assessment of these organizational changes.

S. 2778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Social Security Reorganization Act of 1984".

TABLE OF CONTENTS

- Sec. 1. Short title and table of contents.
- Sec. 2. Establishment of Social Security Agency as an independent agency; Social Security Board.
- Sec. 3. Commissioner of Social Security.
- Sec. 4. Social Security Ombudsman; Citizens' Advisory Committee.
- Sec. 5. Transfer of functions.
- Sec. 6. Transitional rules.
- Sec. 7. Budgetary and fiscal affairs of the Social Security Agency.
- Sec. 8. Technical and conforming amendments; rules of construction.
- Sec. 9. Reports assessing organizational changes.
- Sec. 10. Beneficiary bill of rights.
- Sec. 11. Effective date and interim rules.

ESTABLISHMENT OF SOCIAL SECURITY AGENCY AS AN INDEPENDENT AGENCY; SOCIAL SECURITY BOARD

SEC. 2. (a) Section 701 of the Social Security Act is amended to read as follows:

"SOCIAL SECURITY AGENCY; SOCIAL SECURITY BOARD

"ESTABLISHMENT

"SEC. 701. (a) There is hereby established, as an independent agency of the executive branch of the Government, a Social Security Agency (hereinafter in this title referred to as the 'Agency').

"SOCIAL SECURITY BOARD

"(b)(1) The Agency shall be headed by a Social Security Board (hereinafter in this title referred to as the 'Board').

"(2) The Board shall be composed of five members appointed by the President, by and with the advice and consent of the Senate. The members shall be chosen, on the basis of their integrity, impartiality, and good judgment, from among individuals who, by reason of their education, experi-

ence, and attainments, are exceptionally qualified to perform the duties of members of the Board.

"(3)(A) Except as provided in subparagraphs (B) and (C), members shall be appointed for terms of ten years. A member may be nominated by the President for appointment to a term of office only if the term of office commences before or during the President's then current term of office. A member of the Board may be removed only pursuant to a finding by the President of neglect of duty or malfeasance in office. The President shall transmit any such finding to the Speaker of the House of Representatives and the Majority Leader of the Senate not later than five days after the date on which such finding is made.

"(B) Of the members first appointed—

"(i) one shall be appointed for a term ending January 31, 1989,

"(ii) one shall be appointed for a term ending January 31, 1991,

"(iii) one shall be appointed for a term ending January 31, 1993,

"(iv) one shall be appointed for a term commencing February 1, 1989, and ending January 31, 1995, and

"(v) one shall be appointed for a term commencing February 1, 1989, and ending January 31, 1997,

as designated by the President at the time of appointment. Such members shall be appointed after active consideration of recommendations made by the Chairman of the Committee on Ways and Means of the House of Representatives and of recommendations made by the Chairman of the Committee on Finance of the Senate.

"(C) Any member appointed for a term after the commencement of such term shall be appointed only for the remainder of such term. A member may, at the request of the President, serve for not more than one year after the expiration of his or her term until his or her successor has taken office.

"(4) Not more than three members of the Board shall be of the same political party.

"(5) A member of the Board may not, during his or her term as member, otherwise serve as an officer or employee of any government. If any member of the Board becomes an officer or employee of any government, he or she may continue as a member of the Board for not longer than the 30-day period beginning on the date he or she becomes such an officer or employee.

"(6) Three members of the Board shall constitute a quorum, except that two members shall constitute a quorum until February 1, 1989. A lesser number may hold hearings.

"(7) A member of the Board shall be designated from time to time by the President to serve as Chairperson of the Board.

"(8) The Board shall meet at the call of the Chairperson or a majority of its members.

"FUNCTIONS OF THE BOARD

"(c) The Board shall—

"(1) govern by regulation the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI,

"(2) appoint a Commissioner of Social Security, as described in section 702, to act for the Board as the chief operating officer of the Agency responsible for administering such programs,

"(3) constitute five of the members the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund,

"(4) make annual budgetary recommendations relating to the Agency and defend such recommendations before the appropriate committees of each House of the Congress,

"(5) make recommendations to the Congress and the President as to the most effective methods of providing economic security through social insurance, and, in consultation with the Commissioner of Social Security, as to legislation and matters of administrative policy concerning such programs,

"(6) provide the Congress and the President with the ongoing actuarial and other analysis undertaken by the Agency with respect to such programs and any other information relating to such programs, and

"(7) conduct policy analysis and research relating to such programs.

"OFFICE OF THE BOARD

"(d)(1) The Office of the Board shall include an Office of the Actuary, to be headed by a Chief Actuary appointed by the Board. To the extent provided by the Board, the Office of the Actuary shall assist the Board in carrying out its actuarial functions.

"(2) The Office of the Board shall include an Office of Policy and Legislation, to be headed by a Director of Policy and Legislation appointed by the Board. To the extent provided by the Board, the Office of Policy and Legislation shall assist the Board in carrying out its functions relating to policy analysis, research, and legislation.

"(3) The Office of the Board shall include an Office of General Counsel, to be headed by a General Counsel appointed by the Board. To the extent provided by the Board, the General Counsel shall serve as the principal legal counsel in the Agency.

"(4)(A) The Board shall appoint such additional attorneys, actuaries, and other employees as it considers necessary to carry out its functions.

"(B) The Board may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such technical or professional employees as the Board considers appropriate, and such employees may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(C) The Board may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"(D) Notwithstanding section 3133 of title 5, United States Code, the Director of the Office of Personnel Management shall authorize for the Agency a total number of Senior Executive Service positions equal to 150 percent of the number of such positions in the Social Security Administration of the Department of Health and Human Services as of immediately before the date of the enactment of the Social Security Reorganization Act of 1984, and the total number of such positions authorized for the Agency pursuant to such section 3133 shall not at any subsequent time be less than such number.

"(E) In addition to the positions of the Agency in the Executive Schedule specified in subchapter II of chapter 53 of title 5, United States Code, the Board may establish additional positions at levels IV and V of the Executive Schedule.

"ORGANIZATION OF THE AGENCY; DELEGATION OF FUNCTIONS

"(d)(1) The Board may establish, alter, consolidate, or discontinue such organiza-

tional units or components within the Agency as the Board considers necessary or appropriate to carry out its functions, except that this paragraph shall not apply with respect to any unit or component established by this Act.

"(2) The Board may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, with respect to the functions of the Board under this section. Within the limitations of such delegations, redelegations, or assignments to officers or employees of the Agency, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Board.

"INSPECTOR GENERAL

"(e) There shall be in the Agency an Office of the Inspector General, to be headed by an Inspector General appointed in accordance with the Inspector General Act of 1978.

"COORDINATION BETWEEN THE AGENCY, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND THE DEPARTMENT OF THE TREASURY

"(f)(1) The Board, the Secretary, and the Secretary of the Treasury shall consult with each other and shall develop rules, regulations, practices, and forms which, to the extent appropriate for the efficient administration of titles II, XVI, and XVIII and the other provisions of this Act and the applicable provisions of the Internal Revenue Code of 1954, are designed to reduce duplication of effort, duplication of reporting, conflicting or overlapping requirements, and the burden on beneficiaries and other persons of compliance with the provisions of this Act.

"(2) In order to avoid unnecessary expense and duplication of functions, the Board, the Secretary, and the Secretary of the Treasury may make such arrangements or agreements for cooperation or mutual assistance in the performance of their functions under titles II, XVI, and XVIII and the other provisions of this Act and the applicable provisions of the Internal Revenue Code of 1954 as they find to be practicable and consistent with law."

(b)(1) Section 5313 of title 5, United States Code (relating to level II of the Executive Schedule), is amended by adding at the end thereof the following new item:

"Chairperson of the Social Security Board, Social Security Agency."

(2) Section 5314 of such title (relating to level III of the Executive Schedule) is amended by adding at the end thereof the following new item:

"Members of the Social Security Board, Social Security Agency (4)."

(3) Section 5315 of such title (relating to level IV of the Executive Schedule) is amended by adding at the end thereof the following new items:

"Inspector General, Social Security Agency.

"Chief Actuary, Social Security Agency.

"Director of Policy Analysis and Legislation, Social Security Agency.

"General Counsel, Social Security Agency."

COMMISSIONER OF SOCIAL SECURITY

SEC. 3. (a) Section 702 of the Social Security Act is amended to read as follows:

COMMISSIONER OF SOCIAL SECURITY

"ESTABLISHMENT

"SEC. 702. (a) There shall be in the Agency an Office of the Commissioner, to be headed by a Commissioner of Social Security (here-

inafter in this title referred to as the "Commissioner") appointed by the Board.

"TERM; APPOINTMENT; REMOVAL

"(b)(1) The Commissioner shall be appointed for a term of five years, except that—

"(A) the individual first appointed to the office of Commissioner shall serve for a term ending December 31, 1989,

"(B) an individual appointed Commissioner for a term after the commencement of such term shall be appointed only for the remainder of such term, and

"(C) an individual may, at the request of the Chairperson of the Board, serve as Commissioner after the expiration of his or her term for not more than one year until his or her successor has taken office.

An individual may be appointed as Commissioner for successive terms.

"(2) An individual may be removed from the office of Commissioner before completion of his or her term only upon the vote of a majority of the full membership of the Board, pursuant to a finding by the Board of neglect of duty or malfeasance in office. The Board shall transmit any such finding to the Speaker of the House of Representatives and the Majority Leader of the Senate not later than five days after the date on which such finding is made.

"FUNCTIONS OF THE COMMISSIONER

"(c) The Commissioner shall—

"(1) constitute the chief operating officer of the Agency, responsible for administering, in accordance with applicable statutes and regulations, the old-age and survivors insurance program under title II and the supplemental security income program until title XVI,

"(2) establish and maintain an efficient and effective operational structure for the Agency,

"(3) devise and implement long-term plans to promote and maintain the effective implementation of such programs,

"(4) make annual budgetary recommendations of the Agency for the ongoing administrative costs of the Agency and defend such recommendations before the Board and before the appropriate Committees of each House of the Congress,

"(5) advise the Board and the Congress of the effect on the administration of such programs of proposed legislative changes in such programs,

"(6) serve as Secretary of the Board of Trustees of the Federal Old-Age, Survivors, and Disability Insurance Trust Fund and the Federal Disability Insurance Trust Fund, and

"(7) report in December of each year to the Board and the Congress concerning the administrative endeavors and accomplishments of the Agency.

"OFFICE OF HEARINGS AND APPEALS; CHIEF ADMINISTRATIVE LAW JUDGE

"(d)(1) There shall be in the Office of the Commissioner an Office of Hearings and Appeals, to be headed by a Chief Administrative Law Judge. The Chief Administrative Law Judge shall be appointed by the Board from among individuals recommended by the Commissioner who have served for not less than five years as an administrative law judge in the Agency, in the Social Security Administration in the Department of Health and Human Services, or any combination thereof. The Chief Administrative Law Judge shall assist the Commissioner in carrying out responsibilities of the Commissioner relating to hearings under this Act.

"(2) The Chief Administrative Law Judge shall be appointed for a term of five years, except that—

"(A) the individual first appointed to the office of Chief Administrative Law Judge shall serve for a term ending December 31, 1990,

"(B) an individual appointed Chief Administrative Law Judge for a term after commencement of such term shall be appointed only for the remainder of such term, and

"(C) an individual may, at the request of the Chairperson of the Board, serve as Chief Administrative Law Judge after the expiration of his or her term for not more than one year until his or her successor has taken office.

An individual may be appointed as Chief Administrative Law Judge for successive terms.

"(3) An individual may be removed from the office of Chief Administrative Law Judge before completion of his or her term only upon the vote of a majority of the full membership of the Board, pursuant to a finding by the Board of neglect of duty or malfeasance in office. The Board shall transmit any such finding to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate not later than five days after the date on which such finding is made.

"ORGANIZATION OF THE OFFICE OF THE COMMISSIONER; DELEGATION OF FUNCTIONS

"(e)(1) The Commissioner may establish, alter, consolidate, or discontinue such organizational units or components within the Office of the Commissioner as the Commissioner considers necessary or appropriate to carry out his or her functions, except that this paragraph shall not apply with respect to the Chief Administrative Law Judge and the Office of Hearings and Appeals.

"(2) The Commissioner may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, with respect to the administration of the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI, to such officers and employees as the Commissioner may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Commissioner.

"(3)(A) The Commissioner shall appoint such additional employees as he or she considers necessary to carry out the his or her functions.

"(B) The Commissioner may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such technical or professional employees as the Commissioner considers appropriate, and such employees may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(C) The Commissioner may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"(D) The Commissioner may delegate such powers of appointment and procurement to any of the employees in the Office of the Commissioner as he or she determines appropriate.

"(4) To the extent requested by the Commissioner, the Director of the Office of Personnel Management shall delegate to the Commissioner, pursuant to section 1104 of title 5, United States Code, and subject to applicable limitations under such title relating to delegations under such section, functions relating to—

"(A) recruitment and examination programs for entry level employees, and

"(B) classification and standards development systems and pay ranges for those job categories identified by the Commissioner in assuming such delegation.

The Director of the Office of Personnel Management shall provide any assistance requested by the Commissioner in assuming any such delegation."

(b)(1) Section 5313 of title 5, United States Code (relating to level II of the Executive Schedule) is further amended by adding at the end thereof the following new item:

"Commissioner of Social Security, Social Security Agency."

(2) Section 5315 of such title (relating to level IV of the Executive Schedule) is further amended by adding at the end thereof the following new item:

"Chief Administrative Law Judge, Social Security Agency."

(3) Section 5315 of such title is further amended by striking out the following item:

"Commissioner of Social Security, Department of Health and Human Services."

SOCIAL SECURITY OMBUDSMAN; CITIZENS' ADVISORY COMMITTEE

SEC. 4. (a) Section 703 of the Social Security Act is amended to read as follows:

"SOCIAL SECURITY OMBUDSMAN; CITIZENS' ADVISORY COMMITTEE

"SOCIAL SECURITY OMBUDSMAN

"SEC. 703. (a) There shall be in the Agency an Office of the Ombudsman, to be headed by a Social Security Ombudsman (hereinafter in this title referred to as the 'Ombudsman') appointed by the Board.

"TERM, APPOINTMENT, AND REMOVAL OF OMBUDSMAN

"(b)(1) The Ombudsman shall be appointed for a term of five years, except that—

"(A) the individual first appointed to the office of Ombudsman shall serve for a term ending December 31, 1991,

"(B) an individual appointed Ombudsman for a term after commencement of such term shall be appointed only for the remainder of such term, and

"(C) an individual may, at the request of the Chairperson of the Board, serve as Ombudsman after the expiration of his or her term for not more than one year until his or her successor has taken office.

An individual may be appointed as Ombudsman for successive terms.

"(2) An individual may be removed from the office of Ombudsman before completion of his or her term only upon the vote of a majority of the full membership of the Board, pursuant to a finding by the Board of neglect of duty or malfeasance in office. The Board shall transmit any such finding to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate not later than five days after such finding is made.

"FUNCTIONS OF THE OMBUDSMAN

"(c) The Ombudsman shall—

"(1) represent the concerns of the public, including beneficiaries, relating to the old-age, survivors, and disability insurance program under title II and the supplemental se-

curity income program under title XVI, to the Commissioner, the Board, the President, and the Congress, and

"(2) conduct such studies and surveys of the administrative effectiveness and program policy goals of the Agency as he or she considers appropriate or as requested by the Citizens' Advisory Committee.

"STAFF OF THE OMBUDSMAN

"(d) The Ombudsman shall appoint such additional employees as he or she considers necessary to carry out his or her functions and may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"CITIZENS' ADVISORY COMMITTEE

"(e)(1) There shall be in the Office of the Ombudsman a Citizens' Advisory Committee (hereinafter in the subsection referred to as the 'Committee').

"(2) The Committee shall consist of—

"(A) three members appointed by the Board,

"(B) three members appointed by the Speaker of the House of Representatives (in consultation with the Chairperson of the Committee on Ways and Means and the Chairperson of the Committee on Government Operations), and

"(C) three members appointed by the Majority Leader of the Senate (in consultation with the Chairperson of the Committee on Finance and the Chairperson of the Committee on Governmental Affairs).

"(3)(A) The members of the Committee shall be chosen on the basis of their integrity, impartiality, and good judgment, from among individuals who, by reason of their education, experience, and attainments, are exceptionally qualified to perform the duties of members of the Committee.

"(B) Of the members appointed under each of subparagraphs (A), (B), and (C) of paragraph (2)—

"(i) one shall be appointed from individuals representing the interests of employers (including self-employed individuals),

"(ii) another shall be appointed from individuals representing the interests of employees, and

"(iii) the remaining member shall be appointed from individuals representing the interests of beneficiaries.

"(4)(A) Except as provided in subparagraphs (B) and (C), the appointed members shall be appointed for terms of three years.

"(B) Of the members first appointed—

"(i) the member appointed under paragraph (2)(A) representing the interests of employees, the member appointed under paragraph (2)(B) representing the interests of employers, and the member appointed under paragraph (2)(C) representing the interests of beneficiaries shall each be appointed for a term of one year,

"(ii) the member appointed under paragraph (2)(A) representing the interests of employers, the member appointed under paragraph (2)(B) representing the interests of beneficiaries, and the member appointed under paragraph (2)(C) representing the interests of employees shall each be appointed for a term of two years, and

"(iii) the member appointed under paragraph (2)(A) representing the interest of beneficiaries, the member appointed under paragraph (2)(B) representing the interests of employees, and the member appointed under paragraph (2)(C) representing the interests of employers shall each be appointed for a term of three years.

"(C) Any member appointed for a term after the commencement of such term shall

be appointed only for the remainder of such term.

"(5) Members of the Committee appointed under paragraph (2) shall be appointed without regard to the provisions of title 5, United States Code, governing appointment in the competitive service. Such members, while attending meetings or conferences thereof or otherwise serving on the business of the Committee, shall be paid at rates fixed by the Board, but not exceeding \$100 for each day, including traveltime, during which they are engaged in the actual performance of duties vested in the Committee; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(6) The Committee may engage such technical assistance as may be necessary to carry out its functions. The Ombudsman shall make available to the Committee such Secretarial, clerical, and other assistance available in the Office of the Ombudsman, and the Commissioner shall make available any pertinent data prepared by the Office of the Commissioner, as the Committee may require to carry out its functions.

"(7) The Committee shall—

"(A) prepare and transmit to each House of the Congress a biennial report, in May of each odd-numbered year, assessing the administration and objectives of the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI, and

"(B) as it considers appropriate, request, and assist in the preparation of, studies and surveys by the Ombudsman pursuant to subsection (c)(2)."

(b) Section 5315 of title 5, United States Code (relating to level IV of the Executive Schedule) is further amended by adding at the end thereof the following new item:

"Social Security Ombudsman, Social Security Agency."

TRANSFER OF FUNCTIONS

SEC. 5. (a) There are transferred to the Social Security Agency all functions carried out by the Secretary of Health and Human Services with respect to the programs and activities the administration of which is vested in the Social Security Agency by reason of this Act and the amendments made thereby. The Social Security Board shall prescribe such regulations as are necessary to allocate such functions in accordance with sections 701, 702, and 703 of the Social Security Act (as amended by this Act).

(b)(1) There are transferred from the Department of Health and Human Services to the Social Security Board, for appropriate allocation by the Board by regulation in the Social Security Agency—

(A) the personnel employed in connection with the functions transferred by this Act and the amendments made thereby, and

(B) the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, or used in connection with such functions, arising from such functions, or available, or to be made available, in connection such functions.

(2) Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) The position of Commissioner of Social Security in the Department of Health and Human Services is abolished.

TRANSITIONAL RULES

SEC. 6. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, promulgated, granted, or allowed to become effective, in the exercise of functions (A) which were exercised by the Secretary of Health and Human Services (or his delegate), and (B) which relate to functions which, by reason of this Act, the amendments made thereby, and regulations prescribed thereunder, are vested in the Social Security Board or the Commissioner of Social Security, and

(2) which are in effect at the time this Act takes effect,

shall (to the extent that they relate to functions described in paragraph (1)(B)) continue in effect according to their terms until modified, terminated, suspended, set aside, or repealed by such Board or Commissioner (as the case may be).

(b) The provisions of this Act (including the amendments made thereby) shall not affect any proceeding pending at the time this Act takes effect before the Secretary of Health and Human Services with respect to functions vested (by reason of this Act, the amendments made thereby, and regulations prescribed thereunder) in the Social Security Board or the Commissioner of Social Security, except that such proceedings, to the extent that they relate to such functions, shall continue before such Board or Commissioner (as the case may be). Orders shall be issued under any such proceeding, appeals taken therefrom, and payments shall be made pursuant to such orders, in like manner as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by such Board or Commissioner (as the case may be), by a court of competent jurisdiction, or by operation of law.

(c) Except as provided in this subsection—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect; and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No cause of action, and no suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Department of Health and Human Services, shall abate by reason of the enactment of this Act. Causes of action, suits, actions, or other proceedings may be asserted by or against the United States and the Social Security Agency, or such official of such Agency as may be appropriate, and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of a party, enter an order which will give effect to the provisions of this subsection (including, where appropriate, an order for substitution of parties).

(d) This Act shall not have the effect of releasing or extinguishing any criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function which (by reason of this Act, the amendments made thereby, and regulations prescribed thereunder) is vested in the Social Security Board or the Commissioner of Social Security.

(e) Orders and actions of the Social Security Board and the Commissioner of Social

Security in the exercise of functions vested in such Board or Commissioner (as the case may be) under this Act (and the amendments made thereby) shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been taken by the Secretary of Health and Human Services in the exercise of such functions immediately preceding the effective date of this Act. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function so vested in such Board or Commissioner shall continue to apply to the exercise of such function by such Board or Commissioner (as the case may be).

(f) In the exercise of the functions vested in the Social Security Board or the Commissioner of Social Security under this Act, the amendments made thereby, and regulations prescribed thereunder, such Board or Commissioner (as the case may be) shall have the same authority as that vested in the Secretary of Health and Human Services with respect to the exercise of such functions immediately preceding the vesting of the same in such Board or Commissioner, and actions of such Board or Commissioner shall have the same force and effect as when exercised by such Secretary.

BUDGETARY AND FISCAL AFFAIRS OF THE SOCIAL SECURITY AGENCY

SEC. 7. Title VII of the Social Security Act is further amended by adding at the end thereof the following new section:

"BUDGETARY AND FISCAL AFFAIRS OF THE SOCIAL SECURITY AGENCY "APPORTIONMENT OF APPROPRIATIONS

"SEC. 711. (a) Appropriations requests of the Social Security Agency for staffing and personnel shall be based upon comprehensive workforce plans. The entire amount of appropriations provided for the administrative costs of the Social Security Agency shall be apportioned in the time period provided in title 31, United States Code, for apportionment and shall be apportioned for the entire period of availability without restriction or deduction by the apportioning officer or employee of the Office of Management and Budget or any other entity within the executive branch of the Federal Government, except as otherwise provided in this section.

"APPROPRIATIONS FOR ADMINISTRATIVE EXPENSES; CONTRACT AUTHORITY; AVAILABILITY OF TRUST FUNDS; CONTINGENT APPROPRIATIONS

"(b)(1) Authority of the Social Security Agency for automated data processing procurement and facilities construction shall be provided in the form of contract authority covering the total costs of such acquisitions, to be available until expended.

"(2) Amounts necessary for the liquidation of contract authority provided pursuant to this section are hereby made available from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund to the extent that the Social Security Board, with the concurrence of the Secretary of the Treasury, determines that any of such amounts to be provided from either such Trust Fund are not necessary to meet the current obligations for benefit payments from such Trust Fund.

"(3) Funds appropriated for the Social Security Agency to be available on a contingency basis shall be apportioned only upon the occurrence of the stipulated contingency, as determined by the Social Security

Board and reported to each House of the Congress.

"MANDATORY DELEGATIONS FROM ADMINISTRATOR OF GENERAL SERVICES

"(c)(1) To the extent requested by the Commissioner, the Commissioner shall have—

"(A) all authorities permitted to be delegated under title 40, United States Code, that the Commissioner considers are necessary for the acquiring, operating, and maintaining of the facilities needed for the administration of programs for which the Commissioner is given responsibility under this Act,

"(B) all authorities permitted to be delegated under section 111 of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 759) relating to the lease, purchase, or maintenance of automated data processing equipment, and

"(C) the authority to contract for any automated data processing equipment or services which the Commissioner considers necessary for the efficient and effective operation of such programs.

"(2) The Administrator of the General Services Administration shall provide any assistance requested by the Commissioner in assuming the delegations required under paragraph (1)."

TECHNICAL AND CONFORMING AMENDMENTS; RULES OF CONSTRUCTION

SEC. 8. (a) Title II (other than section 201, section 231(c), section 226, and section 226A) and title XVI of the Social Security Act are each amended—

(1) by striking out, wherever it appears therein, "Secretary of Health and Human Services" or "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Commissioner";

(2) by striking out, wherever it appears therein, "Department of Health and Human Services" or "Department of Health, Education, and Welfare" and inserting in lieu thereof "Social Security Agency";

(3) by striking out, wherever it appears therein, "Department" (but only if it is not immediately succeeded by the words "of Health and Human Services" or "of Health, Education, and Welfare", and only if it is used in reference to the Department of Health and Human Services or the Department of Health, Education, and Welfare) and inserting in lieu thereof "Social Security Agency"; and

(4) by striking out, wherever it appears therein, each of the following words (but, in the case of any such word only if such word refers to the Secretary of Health and Human Services or to the Secretary of Health, Education, and Welfare): "Secretary", "Secretary's", "his", "him", and "he", and inserting in lieu thereof (in the case of the word "Secretary") "Commissioner", (in the case of the word "Secretary's") "Commissioner's", (in the case of the word "his") "the Commissioner's", (in the case of the word "him") "the Commissioner", and (in the case of the word "he") "the Commissioner".

(b)(1) Section 201(a)(3) of such Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Commissioner".

(2) Section 201(c) of such Act is amended—

(A) in the first sentence, by striking out "shall be composed of" and all that follows down through "ex officio" and inserting in lieu thereof the following: "shall be composed of the members of the Social Security

Board, the Secretary of the Treasury, and the Secretary of Health and Human Services, all ex officio";

(B) by inserting after the first sentence the following new sentence: "The Chairperson of the Social Security Board shall be the Chairperson of the Board of Trustees."; and

(C) in the seventh sentence (before application of subparagraph (B)), by striking out "Provided, That the certification shall not refer to economic assumptions underlying the Trustee's report".

(3) Section 201(g)(1)(A) of such Act is amended—

(A) in clause (i), by striking out "by him and the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "by him, the Commissioner, and the Secretary of Health and Human Services", and by striking out "by the Department of Health, Education, and Welfare and the Treasury Department" and inserting in lieu thereof "by the Social Security Agency, the Department of Health and Human Services, and the Department of the Treasury";

(B) in clause (ii), by striking out "method prescribed by the Board of trustees under paragraph (4)" and inserting in lieu thereof "applicable method prescribed under paragraph (4)", by striking out "the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "the Commissioner and the Secretary of Health and Human Services", and by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "the Social Security Agency and the Department of Health and Human Services"; and

(C) by striking out the last sentence and inserting in lieu thereof the following: "There are hereby authorized to be made available for expenditure, out of any or all of the Trust Funds, such amounts as the Congress may deem appropriate to pay the costs of the part of the administration of this title and title XVI for which the Commissioner is responsible, the costs of title XVIII for which the Secretary of Health and Human Services is responsible, and the costs of carrying out the functions of the Social Security Agency, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 other than those referred to in clause (i) of the first sentence of this subparagraph."

(4) Section 201(g)(1) of such Act is amended—

(A) in the fourth sentence of subparagraph (A), by inserting "(if any)" after "amounts"; and

(B) by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraphs:

"(B) After the close of each fiscal year—

"(i) the Commissioner shall determine (I) the portion of the costs, incurred during such fiscal year, of administration of this title and title XVI and of carrying out the functions of the Social Security Agency, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clause (i) of the first sentence of subparagraph (A)), which should have been borne by the general fund in the Treasury, (II) the portion (if any) of such costs which should have been borne by the Federal Old-Age and Survivors Insurance Trust Fund, and (III) the portion (if any) of such costs which should have been borne by the Federal Disability Insurance Trust Fund, and

"(ii) the Secretary of Health and Human Services shall determine (I) the portion of

the costs, incurred during such fiscal year, of administration of title XVIII which should have been borne by the general fund in the Treasury, (II) the portion (if any) of such costs which should have been borne by the Federal Hospital Insurance Trust Fund, and (III) the portion (if any) of such costs which should have been borne by the Federal Supplementary Medical Insurance Trust Fund, except that the determination of the amounts to be borne by the general fund in the Treasury with respect to expenditures incurred in carrying out such functions specified in section 232 shall be made pursuant to the applicable method prescribed under paragraph (4) of this subsection.

"(C) After the determinations under subparagraph (B) have been made for any fiscal year, the Commissioner and the Secretary of Health and Human Services shall each certify to the Managing Trustee the amounts (if any) which should be transferred from each of the Trust Funds to the general fund in the Treasury and from the general fund in the Treasury to each of the Trust Funds, in order to ensure that each of the Trust Funds and the general fund in the Treasury have borne their proper share (if any) of the costs, incurred during such fiscal year, for (i) the part of the administration of this title and title XVI for which the commissioner is responsible, (ii) the part of the administration of title XVIII for which the Secretary of Health and Human Services is responsible, and (iii) carrying out the functions of the Social Security Agency, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clause (i) of the first sentence of subparagraph (A)). The Managing Trustee shall transfer any such amounts in accordance with any certification so made."

(5) Section 201(g)(2) of such Act is amended, in the second sentence, by striking out "established and maintained by the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "maintained by the Commissioner", and by striking out "Secretary shall furnish" and inserting in lieu thereof "Commissioner shall furnish".

(6) Section 201(g)(4) of such Act is amended to read as follows:

"(4) The Commissioner shall utilize the method prescribed pursuant to this paragraph, as of immediately before the date of the enactment of the Social Security Reorganization Act of 1984, for determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Commissioner, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clause (1) of the first sentence of paragraph (1)(A)). If at any time or times thereafter the Commissioner considers such action advisable, it may modify the method of determining such costs."

(7) Section 201(i)(1) of such Act is amended to read as follows:

"(i)(1) The Managing Trustee may accept on behalf of the United States money gifts and bequests made unconditionally to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund or to the Social Security Agency, the Department of Health and Human Services, or any part or officer thereof, for the benefit of any of such Funds or any activity financed through such Funds."

(8) Subsections (j) and (k) of section 201 of such Act are each amended by striking out "Secretary" each place it appears and inserting in lieu thereof "Commissioner".

(9)(A) Section 201(l)(1) of such Act is amended—

(i) by striking out "Managing Trustee" the first place it appears and inserting in lieu thereof "Social Security Board";

(ii) by striking out "Managing Trustee may borrow" and inserting in lieu thereof "Managing Trustee, on the request of the Board, shall borrow"; and

(iii) by striking out "he determines" and inserting in lieu thereof "the Board determines".

(B) Section 201(l)(3)(A) of such Act is amended—

(i) by striking out "Managing Trustee" and inserting in lieu thereof "Social Security Board";

(ii) by striking out "he shall make" and inserting in lieu thereof "the Managing Trustee shall make"; and

(iii) by striking out "he determines" and inserting in lieu thereof "the Board determines".

(C) Section 201(l)(3)(B)(i) of such Act is amended—

(i) by striking out "Managing Trustee" and inserting in lieu thereof "Social Security Board"; and

(ii) by striking out "he shall transfer" and inserting in lieu thereof "the Managing Trustee shall transfer".

(D) Section 201(l)(3)(B)(iii)(II) of such Act is amended by striking out "Secretary" and inserting in lieu thereof "Social Security Board".

(E) Section 201(l)(3)(C)(ii) of such Act is amended, in the last sentence, by striking out "The Managing Trustee may" and inserting in lieu thereof "To the extent requested by the Social Security Board, the Managing Trustee shall".

(F) Section 201(l)(4) of such Act is amended by striking out "Board of Trustees" and inserting in lieu thereof "Social Security Board".

(10) Section 201(m)(3) of such Act is amended by striking out "Secretary of Health and Human Services" and inserting in lieu thereof "Commissioner".

(c) Section 231(c) of such Act is amended by striking out "Secretary determines" and inserting in lieu thereof "Commissioner and the Secretary jointly determine".

(d)(1) Section 402 of such Act is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(2) Section 411 of such Act is amended—

(A) in subsection (a), by striking out "Secretary" and inserting in lieu thereof "Commissioner, at the request of the Secretary", and by striking out "Social Security Administration" and inserting in lieu thereof "Social Security Agency"; and

(B) in subsection (b), by striking out "Secretary" each place it appears and inserting in lieu thereof "Commissioner".

(e)(1) Section 704 of such Act is amended in the heading by inserting "by the secretary" after "reports".

(2) Section 709(b)(2) of such Act is amended by striking out "(as estimated by the Secretary)" and inserting in lieu thereof "as estimated by the Commissioner or the Secretary (whichever administers the program involved)".

(3) Title VII of such Act is further amended by adding at the end thereof the following new section:

"DUTIES OF SECRETARY

"SEC. 712. The Secretary shall perform the duties imposed upon him by this Act and shall also have the duty of studying and making recommendations as to the most effective methods of providing economic security and as to legislation and matters of administrative policy concerning the programs administered by the Secretary and related subjects; except that nothing in this section shall be construed to require the Secretary to make studies or recommendations with respect to programs administered by the Social Security Agency."

(f)(1) Section 1101(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(10) The term 'Commissioner' means the Commissioner of Social Security."

(2) Section 1106(a) of such Act is amended—

(A) by inserting "(1)" after "(a)";

(B) by striking out "Federal Security Agency" and inserting in lieu thereof "applicable agency";

(C) by striking out "Administrator" and inserting in lieu thereof "head of the applicable agency"; and

(D) by adding at the end thereof the following new paragraph:

"(2) For purposes of this subsection and subsection (b)—

"(A) the term 'applicable agency' means—

"(i) the Social Security Agency, with respect to matter transmitted to or obtained by such Administration or matter disclosed by such Agency,

"(ii) the Department of Health and Human Services, with respect to matter transmitted to or obtained by such Department or matter disclosed by such Department, or

"(iii) the Department of Labor, with respect to matter transmitted to or obtained by such Department or matter disclosed by such Department, and

"(B) the term 'head of the applicable agency' means, in the case of the Social Security Agency, the Commissioner."

(3) Section 1106(b) of such Act is amended—

(A) by striking out "Secretary" and inserting in lieu thereof "head of the applicable agency"; and

(B) by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "applicable agency".

(4) Section 1106(c) of such Act is amended—

(A) by striking out "the Secretary" the first place it appears and inserting in lieu thereof "the Commissioner or the Secretary"; and

(B) by striking out "the Secretary" each subsequent place it appears and inserting in lieu thereof "such Commissioner or Secretary".

(5) Section 1107(b) of such Act is amended by striking out "the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "the Commissioner or the Secretary".

(6) Section 1110 of such Act is amended—

(A) by striking out "Secretary" each place it appears and inserting in lieu thereof "Commissioner";

(B) by striking out "he", "his", and "him" each place they appear and inserting in lieu thereof "the Commissioner", "the Commissioner's", and "the Commissioner", respectively; and

(C) by striking out "or makes them himself", in subsection (b)(1), and inserting in

lieu thereof "or the Commissioner makes them".

(7) Section 1127 of such Act is amended by striking out "Secretary" and inserting in lieu thereof "Commissioner".

(8) Section 1131 of such Act is amended by striking out "Secretary" each place it appears and inserting in lieu thereof "Commissioner".

(g) Subsections (a) and (f) of section 1817 of such Act are amended by striking out "Secretary of Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Commissioner".

(h) The Inspector General Act of 1978 is amended—

(1) in section 2(1), by striking out "and the Veterans' Administration" and inserting in lieu thereof "the Veterans' Administration, and the Social Security Agency";

(2) in section 9(a)(1), by striking out "and" at the end of subparagraph (M), and by adding at the end thereof the following new subparagraph:

"(O) of the Social Security Agency, to the extent provided in the Social Security Reorganization Act of 1984, the functions of the Inspector General of the Department of Health and Human Services relating to the administration of the old-age, survivors, and disability insurance program under title II of the Social Security Act and of the supplemental security income program under title XVI of such Act; and";

"(3) in section 11(1), by striking out "or" after "Transportation" and inserting in lieu thereof a comma, and by inserting after "Affairs," the following: "or the Commissioner of Social Security of the Social Security Agency,"; and

"(4) in section 11(2), by striking out "or" after "Transportation", and by inserting after "Veterans' Administration," the following: "or the Social Security Agency,".

(i)(1) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Department of Health and Human Services with respect to such Department's functions under the old-age, survivors, and disability insurance program under title II of the Social Security Act or the supplemental security income program under title XVI of such Act, such reference shall be considered a reference to the Social Security Agency.

(2) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Secretary of Health and Human Services with respect to such Secretary's functions under such programs, such reference shall be considered a reference to—

(A) the Social Security Board, with respect to functions described in section 701 of the Social Security Act (as amended by this Act), and

(B) the Commissioner of Social Security, with respect to functions described in section 702 of the Social Security Act (as amended by this Act).

(3) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to any other officer or employee of the Department of Health and Human Services with respect to such officer or employee's functions under such programs, such reference shall be considered a reference to the appropriate officer or employee of the Social Security Agency.

REPORTS ASSESSING ORGANIZATIONAL CHANGES

SEC. 9. (a) Five years after the date of the enactment of this Act, the Social Security Board, the Comptroller General of the United States, and the Secretary of Health and Human Services shall each submit to each House of the Congress a report setting forth in detail an assessment of the organizational changes made by this Act and the amendments made by this Act.

(b) Not later than one year after the date of the enactment of this Act, the Social Security Board, the Comptroller General of the United States, and the Secretary of Health and Human Services shall submit to each House of the Congress their recommendations for further technical and conforming amendments necessary to effectively and efficiently carry out the purposes of this Act.

BENEFICIARY BILL OF RIGHTS

SEC. 10. Title VII of the Social Security Act is further amended by adding at the end thereof the following new section:

"BENEFICIARY BILL OF RIGHTS

"PRINCIPLES FOR IMPLEMENTATION OF ACT

"SEC. 713. (a) The provisions of this Act should be implemented consistent with the following principles:

"(1) All persons should be treated fairly and equitably by the Social Security Board, the Commissioner, and the Secretary with proper regard and protection for their rights under this Act, their constitutional rights, and their privacy.

"(2) The Social Security Board, the Commissioner, and the Secretary should not discriminate against persons on account of their age, sex, race, creed, color, handicap, national origin, or economic condition.

"(3) The Commissioner and the Secretary should each maintain prompt, professional, and effective service which is accessible and responsive to the communities and persons which they serve.

"(4) Each beneficiary under this Act should receive timely and proper payment of benefits to which he or she is entitled. Benefits under this Act should not be reduced, ceased, or withheld by the Commissioner or the Secretary or assigned to any representative payee by the Commissioner or the Secretary without due process of law or without adequate safeguards to protect those who may be adversely affected by any injustices or undue hardships which may result from such actions.

"(5) Each beneficiary under this Act should be provided a personal conference with a competent officer or employee of the Social Security Agency or the Department of Health and Human Services with respect to any determination by the Commissioner or the Secretary (as the case may be) which adversely affects him or her.

"(6) In any administrative matter subject to appeal under this Act, each beneficiary should be provided a full, fair, and impartial evidentiary hearing before an administrative law judge who is authorized to render independent judgment of the issue, consistent with applicable laws and regulations, and who is not subject to coercion, discrimination, or interference with in the exercise of his responsible judgment.

"ENFORCEMENT OF PRINCIPLES

"(b) In carrying out their responsibilities under this Act, the Social Security Board and the Secretary, pursuant to authority otherwise available, shall take any action, including the issuance of rules, regulations, or directives, which is consistent with the

provisions of this Act and which the Social Security Board or the Secretary (as the case may be) determines is necessary to ensure that the Administration of this Act is based on and embodies the principles set forth in subsection (a) and that such principles are publicly displayed in each office of the Social Security Agency."

EFFECTIVE DATE AND INTERIM RULES

SEC. 11. (a)(1) Sections 2, 3, 4, 5, 6, and 8 of this Act shall take effect October 1, 1986.

(2) Notwithstanding the effective date set forth in paragraph (1), effective on the date of the enactment of this Act—

(A) the initial members of the Social Security Board whose terms of office begin before February 1, 1989, may be appointed before such effective date, after the date of the enactment of this Act, and the Commissioner of Social Security, the Social Security Ombudsman, the Inspector General, the Chief Actuary, the Director of Policy Analysis and Legislation, and the General Counsel of the Social Security Agency may be appointed by such Board at any time after such initial members of the Social Security Board have been appointed.

(B) the persons appointed under subparagraph (A) shall be compensated from the date they first take office, at the rates provided for in the amendments to title 5, United States Code, made by sections 2(b), 3(b) and 4(b) of this Act.

(C) such compensation and related expenses of such persons shall be paid from funds available in the Department of Health and Human Services for the functions vested in the Social Security Agency by this Act and the amendments made thereby, and

(D) the Social Security Board and the Commissioner of Social Security may each utilize, as appropriate, the services of such officers, employees, and other personnel of the Department of Health and Human Services, and funds appropriated to the functions of such Department to be transferred by this Act and the amendments made thereby, for such period of time as may reasonably be needed to facilitate the orderly implementation of this Act.

(e) The amendment made by section 7 of this Act shall apply with respect to fiscal years beginning on or after October 1, 1986.

● Mr. RIEGLE. Mr. President, today I am pleased to join with my colleague in the Senate Mr. PRYOR, and my colleague in the House, Mr. ROYBAL, in introducing legislation to create an independent Social Security Agency. For several years I have supported efforts to remove Social Security, once and for all, from the arena of political or budgetary expediency.

There is great anxiety across America today among those who are presently retired and receiving Social Security benefits and also among millions of people who are moving toward retirement age. Several factors contribute to this feeling of unease including the recent financial difficulties of the old age and survivors trust funds, which were satisfactorily addressed in the Social Security Amendments of 1983. In addition many of our citizens find confusing the gap between the political rhetoric of the current administration which claims to support protection of the Social Security

system, and repeated attempts to cut benefits, limit eligibility and to reduce the number of people on the Social Security rolls.

Throughout the 1980 Presidential campaign, candidate Reagan repeatedly promised to keep the Social Security system intact, to protect it, to treat it as part of the safety net. In an address before a joint session of Congress on February 18, 1981, President Reagan said, "We will continue to fulfill the obligations that spring from our national conscience * * * the full retirement benefits of more than 31 million Social Security recipients will be continued along with an annual cost of living increase * * *." Less than 2 months later the administration proposed devastating cuts in Social Security as part of the fiscal year 1982 budget revisions; including the elimination of the Social Security minimum benefit for both future and current beneficiaries. This proposal alone would have left 3 million recipients, approximately 75 percent of whom were elderly women, without even a \$122 a month minimum benefit.

In May 1981, the administration introduced to Congress an \$88 billion Social Security reduction package including proposals to:

Reduce benefits of individuals who retired before the age of 65 from 80 percent to 55 percent of their full retirement benefits;

Delay the annual cost-of-living adjustment scheduled for July 1982 for 3 months;

Revise the formula used to determine a recipient's initial benefit so that initial benefits would be lower than under then current law—thereby reducing the primary benefits of recipients by 10 percent;

End benefits for children of retirees under the age of 65;

Tax sick pay for the first 6 months of a worker's illness; and

Extend from 12 to 24 months the anticipated period of disability required for eligibility for disability benefits.

Because of the public outcry the administration withdrew these proposals, yet a year later the administration supported a budget proposal to cut \$40 billion from Social Security over a 3-year period, without specifying where those cuts would be made. Again because opposition was so great the administration dropped this proposal.

Mr. President, no more striking example exists of why we need an independent Social Security agency than the recent fiasco surrounding the disability review process. In a misguided effort to reduce the growing deficit the administration began the continuing disability investigations [CDI] program 9 months earlier than mandated by law, while at the same time tightening eligibility standards and applying those standards not only to new applicants for the program, but also to

existing beneficiaries. This accelerated review process, coupled with stricter criteria, resulted in the wrongful termination of benefits for hundreds of thousands of disabled persons. Of those terminated from the disability rolls, 67 percent who appealed were eventually reinstated. SSA's own employees and administrative law judges have joined together to sue HHS alleging that they were forced to deny benefits to certifiably disabled beneficiaries. Had there been an independent Social Security agency and a Social Security budget separated from the rest of the Federal budget this never would have occurred.

In April 1983, legislation based on the recommendation's of a bipartisan Commission on Social Security was enacted into law, ensuring the health of the Old Age Survivors Insurance Program well into the next century. Yet in March 1984, President Reagan, when asked what he envisioned for Social Security after the 1984 election, stated that, "what we need to do is a revamping of the program." In May of this year, Treasury Secretary Donald Regan said, "we're going to have to revisit Social Security in the late 1980's * * * and rethink why do we have Social Security and what do we want it for."

In 1981, I called for the creation of an independent board to administer Social Security. The idea of an independent Social Security agency is by no means a new one. In fact, when Social Security was enacted in 1935, an independent Social Security Board was established to administer the programs of the act. The Board was abolished in 1946 and replaced by a single administrator. In 1953, Social Security was included in the predecessor to the Department of Health and Human Services—the Department of Health Education and Welfare. In the past decade, more than 20 bills have been introduced in Congress to set up an independent Social Security agency.

Most recently the National Commission on Social Security Reform in its recommendations to Congress in 1983, advocated the establishment of an independent agency. A recommendation that led to inclusion in the Social Security Amendments of 1983 of a requirement to establish a panel charged with the responsibility of conducting an implementation study for an independent Social Security agency under a bipartisan board appointed by the President, by and with the consent of the Senate. That study prepared by the Congressional Panel on Social Security Organization was released on May 12, 1984.

The National Commission's recommendations were based on a number of concerns surrounding the administration of Social Security in the past decade. SSA's standards of beneficiary

services and its overall operation efficiency and effectiveness have come under attack in recent years. Problems with computer systems and payment errors have been highlighted, but other problems persist as well. Placement as a subordinate component in the Department of Health and Human Services has led to operational confusion, duplication of functions, and inadequate administrative resources to deal with an expanding clientele.

In addition there have been four major internal reorganizations of SSA since 1975 as well as rapid turnover of top level Social Security management including nine new commissioners and acting commissioners in 12 years.

The National Commission on Social Security Reform felt that significant improvement in the operation of social and the public's understanding of the system and its stability would result from creation of an independent agency. I wholeheartedly agree.

The bill that I am supporting today would establish an independent Social Security agency with a Board of Directors nominated by the President and confirmed by the Senate for 10-year terms. The Board would appoint a Commissioner for a 5-year term and a nine member Citizens Advisory Board would be appointed jointly by the Board of Directors and Congress. In addition, this bill would give the newly formed agency greater autonomy from GSA and OPM for computer acquisition, administrative services and personnel management.

The independent agency would be responsible for the Social Security trust fund financed cash benefits programs and the general revenue financed Supplemental Security Income Program.

Mr. President, I feel it is important to immediately respond to the important work done by the Congressional Panel on Social Security Organization through the introduction of legislation. It is my hope that the bill we are introducing today will be used as a starting point for discussion and congressional hearings on this proposal to establish the Social Security Administration as an independent agency. There are several issues that need further exploration. For example, in the bill we are introducing today, Medicare remains in the Department of Health and Human Services. This is an issue that needs to be further explored. I hope all of my colleagues will join with us in this critical effort to improve the administration of Social Security by insulating it from the potential abuse of short term political objectives. ●

By Mr. CHAFEE:

S. 2779. A bill to require shareholder approval for certain repurchases of corporate stock; to the Committee on Banking, Housing, and Urban Affairs.

REPURCHASES OF CORPORATE STOCK

Mr. CHAFEE. Mr. President, much attention has been given in the media recently to corporate takeover tactics. One such tactic, "greenmail," is a practice by which a "raider" who has bought a large block of stock in a company threatens to make a hostile bid for the company. Since the target company does not want to be taken over, it agrees to buy back the stock at a price above the existing market price for the stock.

Greenmail, as in blackmail, has existed for years, but it seems to have reached epidemic proportions in the past few months, coincidental with the huge boom in corporate takeovers. The most recent incident involved Saul P. Steinberg's greenmail tactics that netted him \$60 million in profits and expenses from Walt Disney just for promising to leave the entertainment giant alone.

All Mr. Steinberg did to earn that \$60 million was buy up a 12.2-percent stake in Disney over a few months, threaten to takeover—driving up the price of Disney stock—and then sell his stock back to the company.

Greenmailers like Steinberg are successful, whether they really intend a full-scale takeover or not, because of the takeover threats, proxy contests, and lawsuits which make life so uncomfortable for management that they find ways to pay them to leave the company alone.

This practice of greenmail should be eliminated.

These practices demand our urgent attention not only because of the effect of these takeovers on the economy in general, but also because the takeover tactics themselves have severely damaged the financial health of some companies. In the case of Disney, the greenmail tactics of Mr. Steinberg cost the company \$60 million; left it with absolutely nothing to show for that expenditure.

Stockholders are the first victims of greenmail activities, but workers and consumers suffer as well when management elects to use corporate assets to protect itself from raiders.

Greenmail robs a company—including its workers, its stockholders, and its consumers—of money that could better be spent on improved productivity, research, and development or investment in new plants or equipment. In short, the only beneficiaries of greenmail are corporate raiders and management that uses company assets to protect itself. Indeed, the intense, high-level corporate warfare that has become part of the takeover process has left executives spending more time worrying about their unwanted investors than they spend managing the company.

Most public and congressional concern has focused on the tactics used by corporate raiders to gain control. In

the heat of a takeover contest, as the offensive and defensive battle escalates, important shareholder, employee, and community interests are frequently overlooked.

Defensive tactics with exotic names such as the "poison pill," sale of "crown jewels," and "scorched earth defense" reflect the corporate gamesmanship involved in attempts by management to thwart hostile takeovers through actions that may, at the same time, damage the target company itself.

Is it fair that corporate management has virtually unlimited discretion to use or sell corporate assets to defend against a takeover? In the case of a hostile takeover, it is clear that management's interest in perpetuating its control may conflict with the interest of the shareholders, the employees, and the company itself.

The natural human reaction expected in face of any challenge to one's possession of control over assets, power or prestige is to fight back, angrily, and wildly. And that is precisely what management, and their boards of directors, too often have done when they are confronted with an uninvited challenge to their corporate control. As the takeover battle escalates, challenged incumbents have not hesitated to pursue patently self-destructive corporate actions solely to preserve their management positions.

Profitable subsidiaries important to the enterprise are placed on the block. Valuable assets and crucial income are sold. Bizarre devices and instruments are invented and deployed in haste and often incur waste. Executives are voted exorbitant extended contracts.

As it stands now there is no clear legislative remedy available to stockholders or the public to redress this blatant disregard of their interests; and courts have deferred to the judgment of the managers under the "business judgment rule."

This rule applied by courts in a majority of jurisdictions provides that a court will not not interfere with the judgment of a board of directors unless there is a showing of gross and palpable overreaching. Management enjoys a presumption of sound business judgment, and its decisions will not be disturbed if they can be attributed to any rational business purpose. This rule developed from the philosophy that corporate managers should not be subject to lawsuits from shareholders simply because the decisions they make turn out to be unprofitable or unwise.

Mr. President, I submit that this business judgment rule is inappropriate in the context of hostile takeovers or other situations involving a threatened change in control in a corporation. I believe that the soundness of management's judgment fades as its

position and status are threatened; its decisions under those circumstances are solely self-serving.

Corporate managements have engaged in transactions costing corporations million, or even hundreds of millions of dollars, in defending a takeover. If the courts cannot adequately protect shareholder's interests and the interests of the corporation itself because of existing rules of corporate law, then we need a clear legislative remedy to eliminate this abuse.

The bill I am proposing today would give shareholders the final say in whether a corporate raider will reap enormous profits. This legislation would require shareholder approval before 3 percent or more of the shares held for less than 2 years can be repurchased from the greenmailer at a premium.

Further, it would allow shareholders and the Securities and Exchange Commission to seek injunctive relief from harmful defensive tactics by management in corporate takeover situations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SECTION 1. Section 14 of the Securities and Exchange Act of 1934 (15 U.S.C. 78n) is amended by inserting after subsection (e) the following new subsection:

"(f) It shall be unlawful for an issuer to purchase, directly or indirectly, any of its own securities at a price above the existing market from any person who holds more than 3 per centum of the class of the securities to be purchased and has held such securities for less than two years, unless such purchase has been approved by an affirmative vote of a majority of the aggregate voting securities of the issuer, or the issuer makes an offer to acquire, of at least equal value, to all holders of securities of such class and to all holders of any class of securities into which such securities may be converted."

SEC. 2. Section 14 of the Securities Exchange Act of 1932 (15 U.S.C. 78n) is amended by adding at the end thereof the following new subsection:

"(h)(1) No issuer whose securities are registered under this title, or any affiliate of any such issuer, shall engage in any transaction in contemplation of effecting, or of defending against, a change in control of such issuer that is not prudent for the issuer and fair to the issuer's shareholders. The Commission or any shareholder of that issuer may bring a suit in the proper district court of the United States or of the District of Columbia to enjoin any such transaction and for such other equitable relief as may be appropriate. In any such suit, the burden shall be upon such issuer or such affiliate to prove by a preponderance of the evidence that the transaction complained of is both prudent for the issuer and fair to the issuer's shareholders. A court may award attorney's fees to a shareholder in such a case.

"(2) The provisions of this subsection shall only apply to transactions taken by an issuer or by any officer or director on or after July 1, 1984."

By Mr. HEFLIN (for himself, Mr. NUNN, Mr. STENNIS, and Mr. ZORINSKY):

S. 2781. A bill to amend the Packers and Stockyards Act, 1921 to remove processed poultry marketings from the coverage of such act; to the Committee on Agriculture, Nutrition, and Forestry.

REGULATION OF POULTRY FOOD PRODUCTS

● Mr. HEFLIN. Mr. President, I am today introducing a bill which would provide for poultry food products to be subject to the same regulatory scheme as the vast majority of other food products sold in this country. It would delete the questionable jurisdiction over processed poultry products which the Packers and Stockyards Administration of the Department of Agriculture has asserted recently, while leaving intact that agency's right to regulate transactions in live poultry.

It is clear that Congress never intended to give packers and stockyards authority to regulate the sale of processed poultry products, but an accident of legislative drafting has put ambiguous language into the Packers and Stockyards Act which might be construed to give the agency that jurisdiction. This bill would remove that ambiguity.

The marketing of slaughtered and processed poultry by vertically integrated processors should not be covered under the Packers and Stockyards Act (7 U.S.C. § 181, et seq.). That statute was adopted in 1921 to regulate the commercial practices of meatpackers in the wake of a major Federal Government investigation and a Federal antitrust action challenging monopolistic and other anticompetitive conduct believed prevalent in the meatpacking industry at that time. The legislation authorized the Department of Agriculture to take action against unfair and related practices of meatpackers. Meatpackers were defined to include firms which sold, in addition to meat products, poultry and poultry products, if such firms also purchased livestock for purpose of slaughter; the legislation did not authorize the Department to take any action against sellers of poultry products unless they also qualified as meatpackers.

In 1935, the Packers and Stockyards Act was amended to remedy a situation involving racketeering and extortion associated with the marketing of live poultry in New York City. This objective was accomplished by covering live poultry dealers and handlers under the act and prohibiting them from engaging in unfair acts, just as meatpackers had been forbidden to commit them. In enacting that amendment, Congress did not express any

concern with the marketing of slaughtered poultry, and, in fact, the commercial processed poultry industry was then insignificant.

The act was again amended in 1958—this time to limit its jurisdictional scope, in order to prevent firms which were not primarily meatpackers from escaping the jurisdiction of the Federal Trade Commission altogether. Before the amendment, persons who qualified as meatpackers covered by the Packers and Stockyards Act were exempt entirely from the jurisdiction of the Federal Trade Commission. This led to some anomalous results. For example, the FTC was challenging certain food chains for inducing and receiving discriminatory promotional allowances. One of these chains operated a meat slaughter and packing plant; however, the products involved in the FTC complaint were not meat or poultry products. Nevertheless, the chain successfully asserted a total exemption from FTC's jurisdiction because its slaughter and packing operation made it a meatpacker subject only to P&S jurisdiction. Such results prompted the 1958 legislation. To narrow the coverage of the P&S Act as to meatpackers, Congress made subject to the P&S Act only those unfair practices by such firms which involved meat and meat food products and poultry and poultry products—essentially by lifting the same list of the products as had been used as part of the definition of meatpackers in 1921. As a side effect, however, this drafting technique also resulted in the incidental coverage of unfair practices involving the same products by live poultry dealers or handlers. (See 72 Stat. 1749 (1958), 7 U.S.C. § 192.) In effect, the language limiting coverage as to packers appears to give P&S jurisdiction over the processed poultry transactions by "live poultry dealers," a term which might be construed as covering most poultry processors today, since almost all have a few purchases or sales of live poultry. Such an interpretation is, I believe, improper. In 1958, as in 1935, Congress expressed no concern about or even any interest in commercial practices in processed poultry.

This historical chain of amendments to the Packers and Stockyards Act has provided what can without exaggeration be characterized as the accidental basis for the Department of Agriculture's assertion of jurisdiction over processed-broiler marketing. Interestingly, although on several occasions in the 1960's and 1970's, bills have been introduced which would explicitly give the Department of Agriculture jurisdiction over transactions in processed poultry, none has been enacted.

In a 1982 decision, a 2-to-1 majority of a Second Circuit U.S. Court of Appeals panel, it was held that the act

covered alleged exclusive dealing agreements in processed poultry. *United States v. Perdue Farms, Inc.*, 680 F.2d 277 (2d Cir. 1982). The result was based on sporadic sales by the firm of excess live poultry to other processors and of spent hens, all accounting for less than one-half of 1 percent of the processor's total broiler sales. All members of the appeals court panel agreed that Congress had never expressed any concern with the practices or competitive health of the processed poultry industry. The two-judge majority, however, concluded that it was bound by the literal language of the statute, as amended in 1958, unless it could be shown by convincing evidence that Congress specifically intended not to cover transactions by poultry processors in slaughtered poultry. Since Congress never focused on the industry at all, such a showing could not, of course, have been made. Concurring Judge Newman strongly suggested that congressional relief might be appropriate.

Removal of Packers and Stockyards Act jurisdiction over processed poultry marketing by nonpackers would correct the situation unintentionally created by successive amendments adopted for wholly unrelated purposes. There is no justification for specialized, virtual public-utility-type, trade practices regulation of processed poultry marketing. The poultry industry should be subject to no different statutory provisions or no other enforcement agencies, for example, FTC and the Department of Justice, than are other sectors of the food industry, such as baking or canned and frozen food processing. There is nothing in the history or current condition of the broiler industry which calls for continued Packers and Stockyards Act surveillance over processed broiler marketing.●

By Mr. D'AMATO (by request):

S. 2782. A bill to amend the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

S. 2783. A bill to amend the Securities Exchange Act of 1934 to prohibit acquisitions of corporate control except by means of tender offers for all outstanding shares, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 2784. A bill to amend the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

S. 2785. A bill to amend the Securities Exchange Act of 1934 to authorize the Securities and Exchange Commission to subject banks, associations, and other entities that exercise fiduciary powers, to the same regulations as broker-dealers, pursuant to section 14(b) of the Securities Exchange Act

of 1934; to the Committee on Banking, Housing, and Urban Affairs.

CORPORATE TAKEOVERS

● Mr. D'AMATO. Mr. President, I am introducing legislation today which would alter the current scheme of corporate takeovers. The Williams Act, which provides the statutory framework for corporate takeovers, has gone virtually unamended since its enactment in 1968. The Williams Act was intended to "correct the gap in our securities laws by amending the Securities and Exchange Act of 1934 to provide for full disclosure in connection with cash tender offers and other techniques for accumulating large blocks of equity securities of publicly held companies." The goals of the Williams Act were consistent with those of the Securities Act of 1933 and the Securities Exchange Act of 1934, protect investors by requiring full disclosure of material information in conjunction with the public offering or trading of securities.

The Senate Banking Committee's hearing record on the Williams Act indicated that takeover bids should not be discouraged, because they serve a useful purpose in providing a check on entrenched but inefficient management. The Senate Banking Committee Report on S. 510—the Williams Act—stated that, "The committee has taken extreme care to avoid tipping the balance of regulation either in favor of management or in favor of the person making the takeover bid. The bill is designed to require full and fair disclosure for the benefit of investors while at the same time providing the offeror and management equal opportunity to fairly present their case."

Clearly, the Williams Act was intended to balance the need to protect investors with the needs of offerors and target companies. Events of the last year indicate that Congress needs to revisit this issue. The practice of making and defending tender offers has evolved into a game of skill over the last decade. The winner in these games can be the offeror, or the target company shareholder. However, on many occasions, the big loser is the shareholder of the target company whose management, under the protection of State corporation law, has gone to extreme lengths to fend off the "raider." In the name of defending against a hostile tender offer, we have seen many companies sell off valuable assets in order to acquire cash with which to make a countertender offer or self-tender offer. Other companies have purchased unneeded assets in order to dilute the control of the original offeror. Too often the target company's shareholders are left with a highly leveraged company which is stripped of its most productive assets.

This is not to say that all tender offers are bad, they are not. In our free market society tender offers con-

tinue to be a check on inefficient management. However, it is evident that the disclosure required by the Williams Act in 1968 is no longer adequate to protect investors.

Mr. President, I am introducing four bills today which would amend the Federal securities laws in order to "fill the gap," and ensure that investors receive adequate protection. Two of these bills are legislative proposals submitted by the Securities and Exchange Commission. The third bill is based on a proposal submitted by Martin Lipton, a prominent New York attorney who is an authority on tender offers.

The fourth and final legislative proposal, the Shareholder Protection Act of 1984, includes the parts of SEC's proposal that I feel are most urgently needed in the name of investor protection. My bill would eliminate the practice of "greenmail" where an investor buys up a significant amount of stock and is then bought out at a premium to the exclusion of other shareholders. It would provide the SEC the authority to reduce the 10-day section 13(d)—of the Exchange Act—filing period after an investor has reached the 5-percent threshold. Under current law investors reach the 5-percent threshold and continue to purchase shares aggressively before filing a statement under section 13(d). The bill clarifies current law to ensure that section 13(d) reporting requirement applies to holdings of voting securities by a group of persons acting together. Finally, my bill would eliminate "golden parachutes" by prohibiting a target company from increasing the compensation of officers and directors during certain tender offers.

It is my hope that this bill will be enacted during the remaining days of the 98th Congress in order to deal immediately with the more egregious offensive and defensive tender offer tactics. I also intend to pursue the broader issues related to tender offers in the context of hearings before the Securities Subcommittee in September.

Mr. President, I ask unanimous consent that copies of these bills be printed in the RECORD together with a section-by-section analysis of the "Shareholder Protection Act."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as The Shareholder Protection Act of 1984.

SEC. 2. Section 13(d)(1) of the Securities Exchange Act of 1934 is amended by striking the words "within ten days after such acquisition," and inserting in lieu thereof the following words: "within such time after such acquisition, and in such manner, as the

Commission shall prescribe, announce such acquisition, and".

SEC. 3. Section 13(d) of the Securities Exchange Act of 1934 is amended by adding a new paragraph (7) as follows:

"(7) The Commission, by rule or regulation, in the public interest or for the protection of investors, may restrict or prohibit any person subject to the requirements of subsection (d)(1) of this Section from acquiring, directly or indirectly, beneficial ownership of any additional shares of the equity security that is the subject of the statement required by subsection (d)(1) for such time period subsequent to the acquisition subjecting such person to the filing requirement of subsection (d)(1) as the Commission shall designate. *Provided*, That such time period shall not exceed 2 business days after the filing of the statement required by subsection (d)(1)."

SEC. 4. Section 13(d)(3) of the Securities Exchange Act of 1934 is amended by inserting, after the word "acquiring," the word: "voting." Section 13(g)(3) of the Securities Exchange Act of 1934 is amended by inserting, after the word "acquiring," the word: "voting." I21Sec. 5. The Securities Exchange Act of 1934 is amended by adding thereto new subsection (g) of Section 14, to read as follows:

"(g) It shall be unlawful, during a tender offer for any class of securities of an issuer if (i) with respect to at least 10% of such class, the offer is unconditional and (ii) the offer is made at a price at least 25% greater than the average market price for such securities during the 10 trading days prior to the commencement of the offer, for the issuer to enter into or amend, directly or indirectly, agreements containing provisions, whether or not dependent on the occurrence of any event of contingency, that increase, directly or indirectly, the current or future compensation of any officer or director."

SEC. 6. The Securities Exchange Act of 1934 is amended by adding thereto new subsection (h) of Section 14, to read as follows:

"(h) It shall be unlawful for an issuer to purchase, directly or indirectly, any of its securities at a price above the market from any person who holds more than 3 percent of the class of the securities to be purchased and has held such securities for less than two years, unless such purchase has been approved by the affirmative vote of a majority of the aggregate voting securities of the issuer, or the issuer makes an offer to acquire, of at least equal value, to all holders of securities of such class and to all holders of any class into which such securities may be converted."

SEC. 7. The Securities Exchange Act of 1934 is amended by adding thereto new subsection (i) of section 14, to read as follows:

"(i) The Commission may, by rule, regulation or order, in the public interest or for the protection of investors, and subject to such terms and conditions as may be prescribed therein, provide exemption from any or all of the provisions of subsections (g) and (h)."

SEC. 8. This Act shall take effect immediately upon its enactment.

S. 2783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following new subsection:

"(h)(1) It shall be unlawful for any person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, to acquire or agree to acquire any shares of any class of voting equity securities of a corporation registered pursuant to section 12 of this title, or any shares of any class of voting equity securities of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or any shares of any class of voting equity securities issued by a closed-end investment company registered under the Investment Company Act of 1940 if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of voting equity securities which would entitle such person to cast 10 percent or more of the votes that all holders of outstanding voting equity securities would be entitled to cast in an election of directors of the issuer, unless such acquisition shall be by means of a tender or exchange offer for all of the outstanding shares of common stock of the issuer (including all shares of common stock issuable upon conversion or exercise of outstanding securities, warrants, options or other rights issued or granted by the issuer) either—

"(A) for cash at a price per share equal to the highest price per share (including any brokerage commissions and soliciting dealers fees) paid by such person for shares of common stock of the issuer during the twelve months preceding the date of commencement of the offer, or

"(B) if such person has not purchased any shares of common stock of the issuer during the twelve months preceding the date of commencement of the offer, for cash, or for securities, or for any combination of cash and securities, except that, in any offer in which cash is offered for part of the common stock of the issuer, the securities offered for the remaining common stock shall have a fair market value, on a fully distributed basis, per share of common stock of the issuer at least equal to the amount of the cash offer per share of common stock of the issuer."

"(2) The provisions of this subsection shall not apply to—

"(A) any person that on the effective date of this subsection beneficially owns voting equity securities of a corporation which would entitle such person to cast 10 percent or more of the votes that all holders of outstanding voting equity securities would be entitled to cast in an election of directors of the corporation unless, subsequent to such effective date, such person increases its beneficial ownership of voting equity securities of the corporation to a percentage in excess of the percentage of outstanding voting equity securities of the corporation beneficially owned by such person on such effective date;

"(B) acquisitions of any voting equity security by the issuer of such security;

"(C) acquisitions of any voting equity security from the issuer of such security;

"(D) acquisitions of voting equity securities pursuant to an agreement with the issuer under which all of the outstanding shares of common stock of the issuer (including all shares of common stock issuable upon conversion or exercise of outstanding securities, warrants, options or other rights issued or granted by the issuer) are to be acquired;

"(E) acquisitions of voting equity securities by gift or inheritance or by transfer

from an existing holder to an individual related to such holder by blood or marriage;

"(F) acquisitions of voting equity securities of any issuer that on such effective date is a subsidiary of any other corporation by such other corporation; or

"(G) existing holders of voting equity securities of an issuer acting in concert or in a coordinated manner for the purpose of soliciting proxies from other holders of voting equity securities of the issuer or otherwise seeking to influence the management policies of the issuer, except that no such existing holder has acquired any voting equity security of the issuer other than as set forth in subparagraph (A) of this paragraph."

"(3) When two or more persons act in concert or in a coordinated manner or as a partnership, limited partnership, syndicate, or other group for the purpose of acquiring, holding, or disposing of securities of an issuer, or influencing the management policies of an issuer, such syndicate or group shall be deemed a 'person' for purposes of this subsection."

"(4) For purposes of this subsection—

"(A) the term 'voting equity security' means any equity security of a corporation that entitles the holder thereof to vote generally in an election of directors of the corporation; and

"(B) the term 'subsidiary' means any issuer as to which another corporation beneficially owns voting equity securities that would entitle such corporation to cast at least 50 percent of the votes that all holders of outstanding voting equity securities of the issuer would be entitled to cast in an election of directors of the issuer."

SEC. 2. The amendment made by this Act shall become effective upon enactment.

S. 2784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as "The Tender Offer Reform Act of 1984".

SEC. 2. Section 13(d)(1) of the Securities Exchange Act of 1934 is amended by striking out the words "within ten days after such acquisition," and inserting in lieu thereof the following words: "within such time after such acquisition, and in such manner, as the Commission shall prescribe, announce such acquisition, and".

SEC. 3. Section 13(d) of the Securities Exchange Act of 1934 is amended by adding a new paragraph (7) as follows:

"(7) The Commission, by rule or regulation, in the public interest or for the protection of investors, may restrict or prohibit any person subject to the requirements of subsection (d)(1) of this Section from acquiring, directly or indirectly, beneficial ownership of any additional shares of the equity security that is the subject of the statement required by subsection (d)(1) for such time period subsequent to the acquisition subjecting such person to the filing requirement of subsection (d)(1) as the Commission shall designate. *Provided*, That such time period shall not exceed 2 business days after the filing of the statement required by subsection (d)(1)."

SEC. 4. Section 13(d)(3) of the Securities Exchange Act of 1934 is amended by inserting, after the word "acquiring," the word: "voting." Section 13(g)(3) of the Securities Exchange Act of 1934 is amended by inserting, after the word "acquiring," the word: "voting."

SEC. 5. The title of section 14 of the Securities Exchange Act of 1934 is hereby amended to read as follows: "PROXIES AND TENDER OFFERS." Subsections 14(f) and 14(g) of the Securities Exchange Act of 1934 are redesignated as Subsections 14(j) and 14(k), respectively.

SEC. 6. The Securities Exchange Act of 1934 is amended by deleting paragraph 14(d)(2); redesignating paragraphs 14(d) (3) through (8) as paragraphs 14(d) (2) through (7); and adding new subsection (f) of section 14, to read as follows:

"(f) When two or more persons act as a partnership, limited partnership, syndicate, or other group for the purpose of acquiring, voting, holding, or disposing of securities of an issuer, such syndicate or group shall be deemed a 'person' for purposes of subsections (d), (e), (g), (h) and (i) of this Section 14."

SEC. 7. The Securities Exchange Act of 1934 is amended by adding thereto new subsection (g) of section 14, to read as follows:

"(g) It shall be unlawful, during a tender offer for any class of securities of an issuer if (i) with respect to at least 10 percent of such class, the offer is unconditional and (ii) the offer is made at a price at least 25 percent greater than the average market price for such securities during the 10 trading days prior to the commencement of the offer, for the issuer to enter into or amend, directly or indirectly, agreements containing provisions, whether or not dependent on the occurrence of any event or contingency, that increase, directly or indirectly, the current or future compensation of any officer or director."

SEC. 8. The Securities Exchange Act of 1934 is amended by adding thereto new subsection (h) of section 14, to read as follows:

"(h)(1) It shall be unlawful, during a tender offer for any class of securities of an issuer if (i) with respect to at least 10 percent of such class, the offer is unconditional and (ii) the offer is made at a price at least 25 percent greater than the average market price for such securities during the 10 trading days prior to the commencement of the offer, for the issuer to acquire, by a tender offer or otherwise, any of its securities: *Provided*, That an issuer may undertake routine acquisition of securities through ongoing programs undertaken in the ordinary course of the issuer's business.

"(2) It shall be unlawful, during (i) a tender offer for any class of securities of an issuer if (A) with respect to at least 10 percent of such class, the offer is unconditional and (B) the offer is made at a price at least 25 percent greater than the average market price for such securities during the 10 trading days prior to the commencement of the offer, or (ii) a third party solicitation of proxies, consents, or authorizations from any holder of securities of an issuer, for the issuer to grant voting power or to issue any combination of securities, including, but not limited to, options, rights, warrants, convertible or other securities, which, upon granting or issuance, or if converted or exercised upon issuance, would in the aggregate constitute more than 5 percent of the issued and outstanding securities of a class or have more than 5 percent of the aggregate voting power of the issuer after such grant, issuance, conversion or exercise, unless the specific grant or issuance and its terms are approved by the affirmative vote of a majority of the aggregate voting securities of the issuer.

"(3) It shall be unlawful for an issuer to purchase, directly or indirectly, any of its

securities at a price above the market from any person who holds more than 3 percent of the class of the securities to be purchased and has held such securities for less than two years, unless such purchase has been approved by the affirmative vote of a majority of the aggregate voting securities of the issuer, or the issuer makes an offer to acquire, of at least equal value, to all holders of securities of such class and to all holders of any class into which such securities may be converted."

SEC. 9. The Securities Exchange Act of 1934 is amended by adding thereto new subsection (i) of section 14, to read as follows:

"(i) The Commission may, by rule, regulation or order, in the public interest or for the protection of investors, and subject to such terms and conditions as may be prescribed therein, provide exemptions from any or all of the provisions of subsections (g) and (h)."

SEC. 10. None of the foregoing shall be construed to limit or condition the authority of the Commission, in the public interest or for the protection of investors, to supplement the proration, withdrawal, and minimum offering periods applicable to a tender offer.

SEC. 11. This Act shall take effect immediately upon its enactment.

S. 2785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as "the Shareholder Communications Act of 1984."

SEC. 2. Section 14(b) of the Securities Exchange Act of 1934 is amended by inserting, after the phrase "under this title," the phrase "or any bank, association or other entity that exercises fiduciary powers."

SEC. 3. The amendments made by this Act shall become effective one year after the enactment of this Act.

ANALYSIS OF THE BILL BY SECTION

Section 1. The Act may be cited as "The Shareholder Protection Act of 1984."

Sections 2 and 3. Sections 2 and 3 of the Act allow the Commission to close the "tender window" in current section 13(d) of the Exchange Act. The legislation permits the Commission to require a public announcement and to specify the time, after the 5-percent acquisition, for filing the required statement and a length of time, not to exceed 2 business days after filing, for which additional purchases may be restricted.

Section 4. Current paragraphs 13(d)(3) and 13(g)(3) cover groups acting in concert for certain purposes. While the current language is intended to encompass groups acting for the purpose of voting securities, the term "voting" is added to these paragraphs for clarity.

Section 5. Section 5 of the Act, adding subsection 14(g), prohibits an issuer, during certain tender offers, from entering into or amending, directly or indirectly, agreements containing certain compensation provisions.

This provision prohibits an issuer, during certain types of third-party tender offers, from entering into or amending agreements containing "provisions, whether or not dependent on the occurrence of any event of contingency, that increase, directly or indirectly, the current or future compensation of any officer or director." The prohibition does not prevent hiring new officers or directors, nor does it prohibit compensation increases even during a tender offer, if such

increases result from the provisions of an agreement pre-dating the tender offer. The Commission can, under section 7 of the Act, exempt transactions by rule or order.

Section 6. Paragraph (h) prohibits issuer purchases of any of its securities at a price above the market from a person who holds more than 3 percent of the class of securities to be purchased and has held such securities for less than two years, unless (A) such purchase has first been approved by a majority of the aggregate voting securities of the issuer or (B) the issuer makes an offer "of at least equal value" to all holders.

Section 7. Section 7 of the legislation authorizes the Commission to grant exemptions from new paragraphs (g) and (h) of Section 14. The intent of this provision is to prevent unintended or inequitable results by providing for flexible administration in a rapidly evolving area, consistent with the Commission's investor protection mandate. In addition, the Commission will have the authority, under current law, to define terms pursuant to Section 3(b) of the Exchange Act and to engage in general rule-making, under Section 23(a) of the Exchange Act, to implement the Act.●

By Mr. DeCONCINI (for himself and Mr. GRASSLEY):

S.J. Res. 317. Joint resolution to designate August 1, 1984, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

HELSINKI HUMAN RIGHTS DAY

Mr. DeCONCINI. Mr. President, I am pleased to introduce today a joint resolution that authorizes and requests the President of the United States to designate August 1, 1984, as "Helsinki Human Rights Day." This bill is similar to the legislation I sponsored last year which became Public Law 98-58.

The purpose of this resolution is simple. It sets aside a specific day to recognize the plight of thousands of citizens, particularly in the Soviet Union and its satellites, in their pursuit of fundamental rights guaranteed by the Helsinki accords. Their cause is a significant one. We are all members of the human family, and so long as any member of that family does not enjoy full human dignity and rights, none of us is truly free. While men and women are oppressed in other lands, our freedom is only partial. But so long as we defend the freedom of all men, the tyranny under which they live is mitigated.

In agreeing to the Helsinki accords, the signatory nations have acknowledged their adherence to the principles of freedom. Not, perhaps, to the sophisticated modes of parliamentary democracy, but to the basic rights of citizens to emigrate, to be reunited with their families and to enjoy at least the minimal respect by their government of their individuality and personal worth. In the contemporary world where governments seek the respect and recognition of other nations, this is the least we can demand.

Soviet emigration policy, especially in the case of minorities, exemplifies the individual, cultural and religious repression that the Soviet regime imposes on many of its citizens. Because they have been denied the right to speak, the right to publish freely, the right to freedom of expression, and above all the right to freely practice their religion, many Soviet citizens have felt compelled to apply for emigration visas. However, the emigration process itself is demoralizing. It is unpredictable and arbitrary, and becomes for many a futile, nightmarish experience. Applicants systematically are demoted or fired from their jobs, watched, followed, harassed, interrogated, searched, silenced by being sent to psychiatric hospitals, and ultimately imprisoned or banished to hard labor camps in Siberia.

In recent years the rate of emigration from the Soviet Union has dramatically declined. For example, only 1,314 Jews were allowed to emigrate in 1983 as compared with 51,320 in 1979. These statistics are alarming and are in direct contravention of the Helsinki accords.

By proclaiming August 1, 1984, the ninth anniversary of the signing of the Helsinki accords, as "Helsinki Human Rights Day," we are reaffirming our commitment to the principles upon which our own democracy was founded. We are sending a message to the signatory nations, particularly the Soviet Union and its satellites, that we expect them to live up to their international agreements.

Mr. President, I urge each Member of this body to let his commitment be known. As President Gerald Ford so eloquently stated at the signing ceremony of the Helsinki accords:

"History will judge this conference not by what we say here today, but by what we do tomorrow—not by the promises we make but by the promises we keep."

Mr. President, I ask unanimous consent that the text of the resolution be printed in the *RECORD* at this point.

There being no objection, the joint resolution was ordered to be printed in the *RECORD*, as follows:

S.J. RES. 317

Whereas August 1, 1984, will be the ninth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (hereafter in this preamble referred to as the "Helsinki Accords");

Whereas the Helsinki Accords express the desire of the participating States to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas the Helsinki Accords also express the commitment of the participating States to "facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating States, and to contribute to the solution of

the humanitarian problems that arise in that connection";

Whereas the Helsinki Accords specify that the participating States will "deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family" and will "deal with applications in this field as expeditiously as possible";

Whereas the Helsinki Accords also state that the participating States will facilitate travel by citizens of such States for both personal and professional reasons and that for this purpose such States will simplify exit and entry procedures;

Whereas the Government of the Union of Soviet Socialist Republics, in agreeing to the Helsinki Accords, has acknowledged an adherence to the principles of freedom and to the basic human rights of citizens to emigrate, to be reunited with their families, and to enjoy at least minimal governmental respect for their individuality and human worth;

Whereas the Soviet Government has not fulfilled its commitment to the Helsinki Accords by denying individuals inherent rights to freedom of religion, thought, conscience, and emigration;

Whereas the governments of the Soviet Union and its satellites have increased the difficulties faced by citizens who wish to reunite with family members in other countries, resulting in a drastic decline in recent emigration figures;

Whereas Jews, Ukrainians, Balts, Byelorussians, Armenians, Georgians, and members of other nationalities in the Soviet Union are persecuted and often imprisoned for attempts to celebrate their national heritage, to practice their religion, to express freely their opinions, to emigrate, or to monitor Soviet Government compliance with the provisions of the Helsinki Accords;

Whereas the satellite nations of the Soviet Union have increased repression against labor union members, peace activists, religious and political dissenters, and other desiring to emigrate; and

Whereas the denial of fundamental rights by the Soviet Government is a threat to peace throughout the world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) August 1, 1984, the ninth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki Accords, urging all signatory nations, particularly the Soviet Union and its satellites, to abide by their obligations under the Helsinki Accords, and encouraging the people of the United States to join the President and Congress in observance of "Helsinki Human Rights Day" with appropriate programs, ceremonies, and activities; and

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki Accords by raising the issue of noncompliance with authorities of the Soviet Union and East European countries at every available opportunity.

SEC. 2. The Secretary of the Senate is directed to transmit copies of this joint reso-

lution to the President, the Secretary of State, and the Ambassadors of the thirty-four Helsinki signatory nations.

By Mr. HATCH (for himself, Mr. WEICKER, Mr. KENNEDY, Mr. RANDOLPH, Mr. GARN, Mr. NICKLES, Mrs. HAWKINS, Mr. METZENBAUM, Mr. DOLE, Mr. NUNN, Mr. CHAFFEE, Mr. RIEGLE, Mr. EAGLETON, Mr. STAFFORD, Mr. CHILES, Mr. DIXON, Mr. LAUTENBERG, Mr. HEINZ, Mr. HOLLINGS, Mr. QUAYLE, Mr. DURENBERGER, Mr. JEPSEN, Mr. TSONGAS, Mr. GLENN, Mr. HUMPHERY, Mr. GRASSLEY, Mr. THURMOND, and Mr. COCHRAN):

S.J. Res. 318. Joint resolution to designate the week of September 16, 1984, through September 22, 1984, as "National Developmental Disabilities Awareness Week"; to the Committee on the Judiciary.

NATIONAL DEVELOPMENTAL DISABILITIES AWARENESS WEEK

Mr. HATCH. Mr. President, today I am introducing a joint resolution calling for the recognition of September 16-22, 1984, as "National Developmental Disabilities Awareness Week." I am joined by 27 other Senators including both the chairman and the ranking minority of the Subcommittee on the Handicapped, Mr. WEICKER and Mr. RANDOLPH. Other members of my Labor and Human Resources Committee listed as original cosponsors are Senators KENNEDY, NICKLES, HAWKINS, QUAYLE, STAFFORD, METZENBAUM, EAGLETON, RIEGLE, THURMOND, and GRASSLEY.

As you know, developmental disabilities affect nearly 4 million children and adults in the United States. These disabilities result in lifelong substantial limitations of major activities such as self-care, mobility, self-direction, the capacity for independent living and economic self-sufficiency. Developmental disabilities are attributed to chronic mental and/or physical impairments manifested before the age of 22.

Persons with developmental disabilities require a combination and sequence of special interdisciplinary or generic services and treatment for their entire life. Due to the severity of their handicaps, developmentally disabled people need to have individually planned and coordinated services.

We are introducing this resolution in order to educate the general public about the potential and special needs of persons with developmental disabilities. In addition, professional personnel, parents, and concerned citizens deserve to be recognized for their contribution in serving this special population. It is our hope that commemoration of a "National Developmental Disabilities Awareness Week" will serve as a vehicle to achieve both goals.

Mr. President, I ask unanimous consent that the joint resolution be printed in the *RECORD* at the conclusion of my remarks and I urge the prompt approval of this resolution.

There being no objection, the joint resolution was ordered to be printed in the *RECORD*, as follows:

S.J. RES. 318

Whereas there are three million nine-hundred thousand children and adults with developmental disabilities in the United States;

Whereas such persons have severe chronic disabilities attributed to mental or physical impairment which begin early in life and result in substantial limitations in major life activities such as self-care, mobility, language, learning, and self-direction;

Whereas handicaps of persons with developmental disabilities need interdisciplinary or generic service and treatment for extended periods or life;

Whereas despite substantial limitations, persons with developmental disabilities have the capability to become more independent and economically self-sufficient;

Whereas the services and expertise provided by professional personnel, parents, and concerned citizens enable persons with developmental disabilities to participate more freely in education, employment, and community living;

Whereas increasingly more persons with developmental disabilities are living in the community enabling them to live less restricted lives;

Whereas the Developmental Disabilities Assistance and Bill of Rights Act will be reauthorized this year in support of the developmental disabilities programs;

Whereas through increased national awareness of such programs the public will better understand the potential and needs of persons with developmental disabilities; Now, therefore, be it:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 16, 1984, through September 22, 1984, is designated as "National Developmental Disabilities Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States and all Federal, State, and local government officials to observe the week with appropriate programs and activities.

ADDITIONAL COSPONSORS

S. 905

At the request of Mr. MATHIAS, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Iowa [Mr. JEPSEN] were added as cosponsors of S. 905, a bill entitled the "National Archives and Records Administration Act of 1983."

S. 2128

At the request of Mr. LONG, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 2128, a bill to amend the Internal Revenue Code of 1954 to provide a rollover of the gain on stock of an employer sold to certain employees, and for other purposes.

S. 2301

At the request of Mr. HATCH, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 2301, a bill to revise and extend programs for the provisions of health services and preventive health services, to establish a program for the provision of home and community-based services, and for other purposes.

S. 2308

At the request of Mr. HATCH, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 2308, a bill to revise and extend provisions of the Public Health Service Act relating to the provision of primary health care services.

S. 2548

At the request of Mr. LEVIN, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 2548, a bill to authorize the Secretary of Housing and Urban Development, through the Federal Housing Administration, to assist homeowners in taking corrective measures with respect to urea formaldehyde foam insulation in their homes.

S. 2559

At the request of Mr. HATCH, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 2559, a bill to revise and extend provisions of the Public Health Service Act relating to health professions educational assistance.

S. 2574

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2574, a bill entitled the "Nurse Education Amendments of 1984".

S. 2665

At the request of Mr. ROTH, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2665, a bill to strengthen the criminal and civil penalty provisions of environmental protection laws.

S. 2719

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 2719, a bill to amend title 23, United States Code, to direct the Secretary of Transportation to withhold a percentage of the apportionment of certain Federal-aid highway funds to be made to any State which does not establish a minimum drinking age of 21 years.

S. 2731

At the request of Mr. COHEN, the names of the Senator from Kentucky [Mr. HUDDLESTON] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 2731, a bill to provide for orderly trade in nonrubber footwear, to reduce unemployment and for other purposes.

S. 2766

At the request of Mr. THURMOND, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 2766, a bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor-piercing ammunition.

SENATE JOINT RESOLUTION 253

At the request of Mr. PRESSLER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, 1984, as "Ethnic American Day."

SENATE JOINT RESOLUTION 258

At the request of Mr. BIDEN, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of Senate Joint Resolution 258, a joint resolution to designate the week of June 24 through June 30, 1984, as "National Safety in the Workplace Week."

SENATE RESOLUTION 294

At the request of Mr. BOREN, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Massachusetts [Mr. TSONGAS] were added as cosponsors of Senate Resolution 294, a joint resolution to designate the week of July 1, 1984, through July 7, 1984, as "National Softball Week."

SENATE RESOLUTION 402

At the request of Mr. BOSCHWITZ, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Resolution 402, a resolution opposing certain proposed import restrictions by the European Community on U.S. agricultural products.

**SENATE RESOLUTION 412—COM-
MENDING THE USA PHILHAR-
MONIC SOCIETY**

Mr. HOLLINGS (for himself, Mr. KENNEDY, Mr. JEPSEN, Mr. DOLE, Mr. TSONGAS, Mr. MATSUNAGA, Mr. DECONCINI, Mr. ABDNOR, Mr. NUNN, Mr. SYMMS, Mr. GOLDWATER, Mr. COCHRAN, Mr. LUGAR, Mr. EAGLETON, Mr. WEICKER, Mr. HART, Mr. PROXMIER, Mr. PERCY, Mr. BURDICK, Mr. SARBANES, Mr. CRANSTON, Mr. DODD, Mr. CHAFFEE, Mr. THURMOND, Mr. JOHNSTON, Mr. LEVIN, Mr. STENNIS, Mr. HATCH, Mr. GORTON, Mr. LAUTENBERG, Mr. DIXON, Mr. BOSCHWITZ, Mr. MITCHELL, Mr. HUDDLESTON, and Mr. RIEGLE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 412

Whereas the USA Philharmonic Society is a nonprofit corporation, organized under the laws of the District of Columbia, promoting the performance of music and dedicated to educational activities;

Whereas the goal of the USA Philharmonic Society is to inaugurate an orchestra unique in the United States and unique in the lives of the American people thereby providing an enduring cultural landmark for the Nation;

Whereas the first activity of the USA Philharmonic Society is the formation and maintenance of the USA Philharmonic, the only professional orchestra designed to assemble the best musicians between 18 and 28 years of age in the United States, and to belong to the entire Nation, based in the Nation's capital, which will, through its tours, generate international understanding of the musical talent that lives in our Nation's youth;

Whereas opportunities for orchestral employment are limited since relatively few openings occur each year in major orchestras, thereby many talented music graduates are unable to begin their careers, the USA Philharmonic bridges this gap between formal training and the start of an orchestral career by providing professional experience and by assisting its members with placement in major United States orchestras;

Whereas other countries are draining United States talent by offering immediate employment to young musicians, USA Philharmonic offers a superior alternative for our young musicians trying to launch their careers, and provides a unique opportunity for them to participate in an international exchange of musical cultures as well;

Whereas more than forty years have passed since the musical genius of our Nation's youth has been shared with other nations, when through the leadership of Maestro Leopold Stokowski in 1940 and 1941, the "All-American Youth Orchestra" inspired nations in South America with its tours, USA Philharmonic will bring together musicians and music lovers of other countries, not for political, but for artistic and spiritual interchange;

Whereas musicians for USA Philharmonic will be determined by two auditions in each of six regions, thereby offering participation to youth of all States, and coordinated by the Audition Committee with music associations, universities, colleges and independent schools of music to insure the broadest representation and the most outstanding talent;

Whereas USA Philharmonic on tour will present the classical repertoire and recent compositions from the United States and the host country, and, by alternating tours abroad with domestic tours, USA Philharmonic will showcase the musical genius of our Nation's youth, display the high standard of our Nation's musical invention, and play the first performance in the United States of prominent new music from other nations, including those of South America in 1984; and

Whereas the growth of the USA Philharmonic Society to date is due to the dedication of its many volunteers who have generously contributed their time and energy, and that the USA Philharmonic Society enjoys the support of a distinguished and very able Board of Directors: Mr. Michael L. Ainslie, Mr. Roger Alexander, Mr. Jahangir Amuzegar, Mr. Rick Barwick, Dr. John Bitter, Mr. Patrick J. Daly, Ms. Nancy Hyman, Mr. Paul Hume, Mr. Karl Jaeger, Mr. Afshin Khalatbary, Mr. Viktor von Lilienfeld, Mr. J. Walter Lund, Mr. Garrick Ohlsson, Professor Efrain Paesky, Mr. Richard Salmon, Mr. John Philip Sousa III, and Miss Elizabeth Taylor: Now, therefore, be it

Resolved, That the United States Senate congratulates and commends the USA Philharmonic Society for its dedicated work on behalf of the Nation's young musicians, and its commitment to furthering better understanding among peoples of all nations through the universal language of music.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President of the USA Philharmonic Society, Washington, D.C.

● Mr. HOLLINGS. Mr. President, I am joined today by Senators KENNEDY, JEPSEN, DOLE, TSONGAS, MATSUNAGA, DECONCINI, ABDNOR, NUNN, SYMMS, GOLDWATER, COCHRAN, LUGAR, EAGLETON, WEICKER, HART, PROXMIRE, PERCY, BURDICK, SARBANES, CRANSTON, DODD, CHAFEE, THURMOND, JOHNSTON, LEVIN, STENNIS, HATCH, GORTON, LAUTENBERG, DIXON, BOSCHWITZ, MITCHELL, HUDDLESTON, and RIEGLE in introducing a resolution to congratulate and commend the USA Philharmonic Society, Inc., "for its dedicated work on behalf of the Nation's young musicians, and its commitment to furthering better understanding among peoples of all nations through the universal language of music."

The USA Philharmonic Society is a nonprofit corporation organized and incorporated under the laws of the District of Columbia which promotes the performance of music and which is dedicated to educational activities. The first activity of the USA Philharmonic Society is the formation and maintenance of a symphony orchestra—USA Philharmonic.

The USA Philharmonic, Mr. President, is the only professional orchestra designed to assemble the best musicians between 18 and 28 years of age in the United States. USA Philharmonic belongs to the entire Nation, is based in the Nation's Capital, and through its tours will generate worldwide understanding of the musical talent that live in our Nation's youth.

One primary reason for creating this orchestra, Mr. President, is that it will provide young musicians with employment opportunities. Openings for orchestras are limited and only a relative few occur each year. As a result, many talented music graduates are unable to begin their careers with an orchestra. USA Philharmonic bridges this gap between formal training and the start of an orchestral career by providing professional experience and by assisting its members with placement in major U.S. orchestras. The experience working with leading conductors and soloists, combined with actual concert performances, is of tremendous importance to new careers. In this way we nurture and encourage the young talent of America.

Other countries are draining U.S. talent by offering immediate employment to young musicians. USA Philharmonic offers a superior alternative for young musicians trying to launch their careers, and provides a unique

opportunity to participate in an international exchange of musical cultures.

More than 40 years have passed since the musical genius of our Nation's youth has been shared with other nations. Through the leadership of Leopold Stokowski in 1940 and 1941, the "All-American Youth Orchestra" inspired nations in South America with its tours. USA Philharmonic will bring together musicians and music lovers of other countries for purposes, not of political, but of artistic and spiritual interchange.

Musicians for USA Philharmonic will be determined by two auditions in each of six regions (eastern, southern, south-central, north-central, north-western, and western). The Audition Committee will coordinate with music associations, universities, colleges, and independent schools of music to arrange the first audition. The second audition will determine the finalists. And, to maintain the highest standard, Mr. President, member's of the previous year's orchestra must read audition each year with new applicants.

USA Philharmonic on tour will present the classical repertoire and recent compositions from the United States and the host country. In 1984, USA Philharmonic will tour four countries in South America and in 1985 will tour the United States and Canada. By alerting tours abroad with domestic tours, USA Philharmonic will showcase the musical genius of our Nation's youth, display the high standard of our Nation's musical invention, and play the first performance in the United States of prominent new music from other countries.

Mr. President, the growth of the USA Philharmonic to date is due to the dedication of its many volunteers who have generously contributed their time and energy. The USA Philharmonic Society presently enjoys the support on its board of directors of Mr. Michael Ainslie, Mr. Roger Alexander, Mr. Jahangir Amuzegar, Mr. Rick Barwick, Dr. John Bitter, Mr. Patrick J. Daly, Ms. Nancy Hyman, Mr. Paul Hume, Mr. Karl Jaeger, Mr. Afshin Khalatbary, Mr. Viktor von Lilienfeld, Mr. J. Walter Lund, Mr. Garrick Ohlsson, Prof. Efrain Paesky, Mr. Richard Salmon, Mr. John Philip Sousa III, and Miss Elizabeth Taylor.

Mr. Khalatbary emphasizes, out as a comparison, that a similar orchestra, the "European Community Youth Orchestra," is supported by 10-member nations of the European Community. This is the only cultural project so supported by these nations.

Mr. President, it is my hope that many of my colleagues will join with me and the distinguished cosponsors of this bill and see to it that it gets quick attention and speedy approval. Not only will young musicians in our Nation have increased opportunities to

pursue their artistic endeavors, but the entire Nation will benefit from the outpouring of this talent and the good will associated with their performances both here and abroad.

Mr. President, I ask unanimous consent that a letter from Mr. Afshin Khalatbary, president of the society, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

USA PHILHARMONIC,
Washington, DC, May 15, 1984.

Hon. ERNEST F. HOLLINGS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HOLLINGS: My friend and colleague Rick Barwick suggested that I might seek your guidance and sponsorship for a bill granting a Congressional Charter to the USA Philharmonic Society. The Society is forming a professional symphony orchestra derived from the best of this nation's youth. The fact that no such orchestra yet exists is of valid concern.

It is necessary that I draw a comparison between the musical youth of Europe and the musical youth of the United States of America.

An extremely gifted young musician from Europe, who dreams of being in an orchestra of similarly gifted peers, aspires to being in the "European Community Youth Orchestra" (ECYO). The ECYO is the only cultural project in the European Community which is supported by all the member countries. The ECYO is powerfully endorsed by Heads of State, Chief Executives, Banking Houses and Corporations. The Heads of State and Chief Executives are:

Belgium.—His Royal Highness King Baudouin and M. Wilfred Martens, Prime Minister.

Denmark.—Her Majesty Queen Margrethe II and H. Poul Schluter, Prime Minister.

France.—President Francois Mitterand and M. Pierre Mauroy, Prime Minister.

Germany.—Professor Dr. Karl Carstens, President, and Dr. Helmut Kohl, Chancellor.

Greece.—President Constantine Karamanlis and Andreas Papandreu, Prime Minister.

Ireland.—Dr. Patrick J. Hillary, President, and Dr. Garret FitzGerald, Prime Minister.

Italy.—President Sandro Pertini and S. Amintore Fausti, Prime Minister.

Luxembourg.—H.R.H. The Grand Duke Jean and M. Pierre Werner, President.

The Netherlands.—Her Majesty Queen Beatrix and H.R.F.M. Lubbers, Prime Minister.

Great Britain.—Her Majesty Queen Elizabeth II and Mrs. Margaret Thatcher, Prime Minister.

No orchestra of this calibre exists in the United States that can attract international focus and recognition of the collective representation of the best of this nation's musical youth. The irony should also be noted that the ECYO is receiving substantial backing from internationally recognized corporations such as the Coca-Cola Company and International Business Machines.

The USA Philharmonic Society looks to those in this country who have long been arbiters of this country's history, both cultural and political, and hopes to win their confidence and endorsement. The example of the ECYO is not called up idly as a *quid pro quo* comparison, nor is it the intention

of the Society to replicate a carbon-copy of the ECYO in this country. Our intention is to provide an orchestra to which the best of this nation's youth can aspire, and be proud of, to an international and professional standard that can stand a comparison. In short, a standard that can be proudly flown anywhere in the world.

I hope our aims might merit your sponsorship for the Charter as proposed. It would indeed be an honor if this Charter of the United States Congress were the cornerstone of our foundation.

Yours sincerely,

A.R. KHALATBARY,
Secretary,
USA Philharmonic Society.●

AMENDMENTS SUBMITTED

OMNIBUS DEFENSE AUTHORIZATION ACT, 1985

NUNN AMENDMENT NO. 3263

Mr. NUNN proposed an amendment to amendment No. 3262 proposed by Mr. KENNEDY (and others) to the bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes; as follows:

On page 2, line 17, insert the following: in section (b)(1) after the word "ratification": "with a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaty."

SYMMS (AND OTHERS) AMENDMENT NO. 3264

Mr. SYMMS (for himself, Mr. WALLOP, and Mr. HELMS) proposed an amendment (which was subsequently modified) to amendment No. 3262 proposed by Mr. KENNEDY (and others), as amended, to the bill S. 2723, supra; as follows:

At the end of the amendment add the following:

"In accordance with international law the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating."

STAFFORD (AND OTHERS) AMENDMENT NO. 3265

Mr. STAFFORD (for himself, Mr. ROTH, Mr. PELL, Mr. EAGLETON, and Mr. (RANDOLPH) proposed an amendment to the bill S. 2723, supra; as follows:

On page 112, beginning with line 13, strike out through line 15 on page 115.

NUNN (AND OTHERS) AMENDMENT NO. 3266

Mr. NUNN (for himself, Mr. ROTH, Mr. ZORINSKY, Mr. GLENN, Mr. PRESSLER, Mr. BENTSEN, Mr. JOHNSTON, Mr. CHILES, Mr. LEVIN, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. METZENBAUM, Mr. CRANSTON, Mr. DeCONCINI, Mr. BAUCUS, Mr. HUDDLESTON, Mr. MELCHER, and Mr. SASSER) proposed an amendment to the bill S. 2723, supra; as follows:

On page 128, between lines 12 and 13, insert the following new section:

IMPROVEMENTS TO NATO CONVENTIONAL CAPABILITY

SEC. . (a) The Congress finds that the North Atlantic Treaty Organization (NATO) should improve its conventional defense capability so as to lengthen the time period that Western Europe can be defended adequately by conventional forces without the necessity of resorting to the early use of nuclear weapons in the event of a non-nuclear attack on any NATO member country. The Congress further finds that increasing defense spending, improving conventional sustainability, and providing support facilities in Western Europe for rapid reinforcements from the United States are crucial to accomplishing that objective.

(b) After September 30, 1985, none of the funds appropriated pursuant to an authorization contained in this or any subsequent Act may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO at any level exceeding a permanent ceiling of 326,414.

(c) Beginning on December 31, 1987, and ending December 31, 1989, the permanent ceiling prescribed in subsection (b) shall be reduced effective December 31 each year by 30,000 unless, during the previous calendar year, member nations of NATO, other than the United States, have increased their defense spending by an aggregate average of at least 3 percent, after inflation, as measured in the annual report of the Secretary of Defense on the allied contribution to the common defense required by section 1001.

(d) The Secretary of Defense may waive the reduction required by subsection (c) for any calendar year if he certifies to Congress in writing that, during the previous calendar year, member nations of NATO (other than the United States) have accomplished the following objectives:

(1) Those member nations of NATO (other than the United States) who have committed forces to the Center Region have placed on firm order, or accepted delivery of, an increase in the supply of air and ground munitions so as to reduce, on an average, 20 percent of the gap between the goal, as established in NATO Ministerial Guidance, of 30 days supply and the level of such munitions available in the Center Region of NATO as of January 1, 1985.

(2) Member nations of NATO (other than the United States) have increased the number of minimum essential and emergency operating facilities and semihardened aircraft shelters in Western Europe so as to reduce, on an average, 20 percent of the gap between the number of such facilities and shelters available on January 1, 1985, and the number required by NATO Ministerial Guidance to support, under NATO/SHAPE standards, the annual commitment of

United States reinforcing tactical aircraft in the previous year's Defense Planning Questionnaire (DPQ) Response. Such reduction in the gap must be accomplished by real increased spending and may not be met by reallocation within existing spending levels of infrastructure funds.

(3) The Supreme Allied Commander in Europe has certified to the Secretary of Defense in writing that in the previous calendar year the member nations of NATO (other than the United States) have undertaken significant measures to improve their conventional defense capacity which contributes to lengthening the time period between the armed attack on any NATO country and the time the Supreme Allied Commander would have to request the release and use of nuclear weapons.

(e) If the Secretary of Defense is unable to certify to the Congress that member nations of NATO (other than the United States) have met all three objectives of subsection (d) in any calendar year, but is able to certify that some of those objectives have been met, the permanent ceiling prescribed in subsection (c) shall be reduced as follows:

(1) If the Secretary certifies to the Congress that one of the three objectives has been met, the permanent ceiling shall be reduced by 20,000.

(2) If the Secretary certifies that two of the three objectives have been met, the permanent ceiling shall be reduced by 10,000.

(f) Whenever a reduction in the permanent ceiling is required to be made under this section in any year, such reduction shall be in addition to any reduction in the ceiling required to be made under this section in any previous year.

(g)(1) Not later than March 1 in each of the calendar years 1985 through 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status, as of January 1 of the year in which the report is submitted, of the following matters:

(A) The number of days of supply of the ground and aerial munitions in hand or on order of the member nations of NATO (other than the United States) which have committed forces to the Center Region.

(B) The number of facilities and semi-hardened aircraft shelters completed or under construction as they relate to the United States commitment of reinforcing tactical aircraft in the United States Defense Planning Questionnaire (DPQ) Response of the previous year.

(C) The measures taken to accomplish the objectives of subsection (d)(3).

(2) The March 1985 report shall establish the baseline for measuring the annual performance of member nations of NATO (other than the United States) in meeting the objectives established in subsection (d)(1) and (2); the March 1986 report shall describe and employ, on a trial basis, the methodology to be used.

(3) The report required by this subsection shall also include an assessment of whether any reduction in—

(A) the gap in air and ground munitions (referred to in subsection (d)(1)) was accomplished by reallocation of funds within existing or planned spending levels; and

(B) the gap in minimum essential and emergency operating facilities and semi-hardened aircraft shelters (referred to in subsection (d)(2)) was accomplished by real increased spending or by reallocation within existing spending levels of infrastructure funds.

(4)(A) Beginning with the fiscal year 1986 budget submission to the Congress, but not later than March 1, 1985, and annually thereafter, the Secretary of Defense shall report to the Congress on the status and cost of the United States commitment to NATO as reflected in the DPQ Response and in the defense budget request. The report shall be an annual update of the Department of Defense Report on "United States Expenditures in Support of NATO", first submitted to the Congress in June 1984 pursuant to section 1107 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 677), and shall include not only the information required by that section but also information which specifically identifies those items in the Secretary of Defense's procurement budget request that are in support of United States forces committed to or earmarked for NATO.

(B) In addition to the requirements under subparagraph (A), the Secretary of Defense shall include in such report an assessment of the performance of the members of NATO (other than the United States) in the following areas:

(i) Allied contributions to the common defense (this requirement is satisfied by submission of the report required by section 1001).

(ii) Improvement in sustainability and support for United States reinforcing tactical aircraft (this requirement is satisfied by submission of the report required by paragraph (1)).

(iii) Meeting NATO force goals.

(iv) Increasing NATO infrastructure funding.

(v) Improvements in air base defenses.

(vi) Increasing trained manpower levels, particularly reserves.

(vii) Increasing war reserve material.

(viii) Improving initial defense capability.

(ix) Improving NATO's ability to neutralize enemy follow-on forces, particularly use of emerging technologies.

(x) Improvements in mine/counter mine capability.

(xi) Improvements in offensive counter air capability.

(h)(1) The Congress finds that a viable "two-way street" of defense procurement improves NATO interoperability and therefore is important to overall improvements in conventional defense.

(2) In addition to any funds appropriated pursuant to the authorization contained in section 116(a) for the activities of the Director of Test and Evaluation, Defense, the Director may utilize an additional amount, not to exceed \$50,000,000, to acquire certain types of weapons, subsystems, and munitions of European NATO manufacture (including submunitions and dispensers; anti-tank and anti-armor guided missiles; mines; runway-cratering devices; torpedoes; mortar systems; light armored vehicles; and high-velocity anti-tank guns) for side-by-side testing with comparable United States manufactured items. Such additional amount shall be derived from any funds appropriated pursuant to an authorization contained in this Act.

(i)(1) This section shall not apply in the event of a declaration of war or an armed attack on any NATO member country.

(2) This section may be waived by the President if he declares an emergency and immediately informs the Congress of his action and the reasons therefor.

COHEN (AND OTHERS) AMENDMENT NO. 3267

Mr. COHEN (for himself, Mr. DOMENICI, Mr. GORTON, Mr. PERCY, Mr. WARNER, and Mr. RUDMAN) proposed an amendment to amendment No. 3266 proposed by Mr. NUNN (and others) to the bill S. 2723, *supra*; as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

IMPROVEMENTS TO NATO CONVENTIONAL CAPABILITY

Sec. . (a) The Congress finds—

(1) that the North Atlantic Treaty Organization (NATO) should improve its conventional capability so as to lengthen the period of time that Western Europe can be defended adequately by conventional forces without the necessity of resorting to the early use of nuclear weapons in the event of a non-nuclear attack on any NATO member country;

(2) that fulfillment by NATO member nations, other than the United States, of their goals and commitments to increase defense spending, improve conventional sustainability, and provide support facilities in Western Europe for rapid reinforcements from the United States is crucial to accomplishing that objective; and

(3) that the continued modernization of United States conventional forces in Western Europe and the continued maintenance of current and projected United States military personnel levels in European member nations of NATO can be fully justified only if these goals and commitments are substantially met by NATO member nations (other than the United States).

(b) The Congress urges the President and the Secretary of Defense to continue to encourage member nations of NATO (other than the United States) to work expeditiously to fulfill the following commitments they have undertaken:

(1) An annual increase in their defense spending of at least 3 percent, after inflation.

(2) A 30-day supply of air and ground munitions among those NATO members which have committed forces to the Center Region.

(3) Construction of the number of minimum essential and emergency operating facilities and semi-hardened aircraft shelters in Western Europe required by NATO Ministerial Guidance to support, under NATO/SHAPE standards, the annual commitment of United States reinforcing tactical aircraft.

(c)(1) After September 30, 1985, none of the funds appropriated pursuant to an authorization continued in this or any Act enacted after the date of the enactment of this Act may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO at any level exceeding a permanent ceiling of 326,414.

If the Secretary of Defense certifies to the Congress in writing in any fiscal year after fiscal year 1985 that in the previous fiscal year the member nations or NATO (other than the United States) have undertaken significant measures to improve their conventional defense capacity consistent with the goals set forth in §3(b) contributes to lengthening the time period between an

armed attack on any NATO country and the time the Supreme Allied Commander, Europe, would have to request the release and use of nuclear weapons, the Congress would give strong consideration to authorizing an increase in the permanent ceiling prescribed in paragraph (1) for fiscal years after such fiscal year.

(d)(1) Not later than March 1, 1985, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a report on the status, as of January 1 of the year in which the report is submitted, of the following matters:

(A) The number of days of supply of the ground and aerial munitions in hand or on order of the member nations of NATO (other than the United States) which have committed forces to the Center Region.

(B) The number of facilities and semi-hardened aircraft shelters completed or under construction as they relate to the United States commitment of reinforcing aircraft in the United States Defense Planning Questionnaire (DPQ) Response of the previous year.

(2)(A) Beginning with the fiscal year 1986 budget submission to the Congress, but not later than March 1, 1985, and annually thereafter, the Secretary of Defense shall report to the Congress on the status and cost of the United States commitment to NATO as reflected in the DPQ Response and in the defense budget request. The report shall be an annual update of the Department of Defense Report on "United States Expenditures in Support of NATO", first submitted to the Congress in June 1984 pursuant to section 1107 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 677), and shall include not only the information required by that section but also information which specifically identifies those items in the Secretary of Defense's procurement budget request that are in support of United States forces committed to or earmarked for NATO.

(B) In addition to the requirements under subparagraph (A), the Secretary of Defense shall include in such report an assessment of the performance of the members of NATO (other than the United States) in the following areas:

(i) Allied contributions to the common defense (this requirement is satisfied by submission of the report required by section 1001).

(ii) Improvement in sustainability and support for United States reinforcing tactical aircraft (this requirement is satisfied by submission of the report required by paragraph (1)(B)).

(iii) Meeting NATO force goals.

(iv) Increasing NATO infrastructure funding.

(v) Improvements in air base defenses.

(vi) Increasing trained manpower levels, particularly reserves.

(vii) Increasing war reserve material.

(viii) Improving initial defense capability.

(ix) Improving NATO's ability to neutralize enemy follow-on forces, particularly use of emerging technologies.

(x) Improvements in mine/counter mine capability.

(xi) Improvements in offensive counter air capability.

(e)(1) The Congress finds that a viable "two-way street" of defense procurement improve NATO interoperability and therefore is important to overall improvements in conventional defense.

(2) In addition to any funds appropriated pursuant to the authorization contained in

section 116(a) for the activities of the Director of Test and Evaluation, Defense, the Director may utilize an additional amount, not to exceed \$50,000,000, to acquire certain types of weapons, subsystems, and munitions of European NATO manufacture (including submunitions and dispensers; anti-tank and anti-armor guided missiles; mines; runway-cratering devices; torpedoes; mortar systems; light armored vehicles; and high-velocity anti-tank guns) for side-by-side testing with comparable United States manufactured items. Such additional amount shall be derived from any funds appropriated pursuant to an authorization contained in this Act.

(f)(1) This section shall not apply in the event of a declaration of war or an armed attack on any NATO member country.

(2) This section may be waived by the President if he declares an emergency and immediately informs the Congress of his action and the reasons therefore.

NUNN AMENDMENT NO. 3268

Mr. NUNN proposed an amendment to amendment No. 3266 proposed by him and others (and subsequently modified) to the bill S. 2723, supra; as follows:

Strike out all after the word "IMPROVEMENTS" and insert the following:

TO NATO CONVENTIONAL CAPABILITY

SEC. . (a) The Congress finds that the North Atlantic Treaty Organization (NATO) should improve its conventional defense capability so as to lengthen the time period that Western Europe can be defended adequately by conventional forces without the necessity of resorting to the early use of nuclear weapons in the event of a non-nuclear attack on any NATO member country. The Congress further finds that increasing defense spending, improving conventional sustainability, and providing support facilities in Western Europe for rapid reinforcements from the United States are crucial to accomplishing that objective.

(b) After September 30, 1985, none of the funds appropriated pursuant to an authorization contained in this or any subsequent Act may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO at any level exceeding a permanent ceiling of 326,414.

(c) Beginning on December 31, 1987, and ending December 31, 1989, the permanent ceiling prescribed in subsection (b) shall be reduced effective December 31 each year by 30,000 unless, during the previous calendar year, member nations of NATO, other than the United States, have increased their defense spending by a aggregate average of at least 3 percent, after inflation, as measured in the annual report of the Secretary of Defense on the allied contribution to the common defense required by section 1001.

(d) The Secretary of Defense may waive the reduction required by subsection (c) for any calendar year if he certifies to Congress in writing that, during the previous calendar year, member nations of NATO (other than the United States) have accomplished the following objectives:

(1) Those member nations of NATO (other than the United States) who have committed forces to the Center Region have placed on firm order, or accepted delivery of, an increase in the supply of air and ground munitions so as to reduce, on an av-

erage, 20 percent of the gap between the goal, as established in NATO Ministerial Guidance, of 30 days supply and the level of such munitions available in the Center Region of NATO as of January 1, 1985.

(2) Member nations of NATO (other than the United States) have increased the number of minimum essential and emergency operating facilities and semi-hardened aircraft shelters in Western Europe so as to reduce, on an average, 20 percent of the gap between the number of such facilities and shelters available on January 1, 1985, and the number required by NATO Ministerial Guidance to support, under NATO/SHAPE standards, the annual commitment of United States reinforcing tactical aircraft in the previous year's defense Planning Questionnaire (DPQ) Response. Such reduction in the gap must be accomplished by real increased spending and may not be met by reallocation within existing spending levels of infrastructure funds.

(3) The Supreme Allied Commander in Europe has certified to the Secretary of Defense in writing that in the previous calendar year the member nations of NATO (other than the United States) have undertaken significant measures to improve their conventional defense capacity which contributes to lengthening the time period between an armed attack on any NATO country and the time the Supreme Allied Commander would have to request the release and use of nuclear weapons.

(e) If the Secretary of Defense is unable to certify to the Congress that member nations of NATO (other than the United States) have met all three objectives of subsection (d) in any calendar year, but is able to certify that some of those objectives have been met, the permanent ceiling prescribed in subsection (c) shall be reduced as follows:

(1) If the Secretary certifies to the Congress that one of the three objectives has been met, the permanent ceiling shall be reduced by 20,000.

(2) If the Secretary certifies that two of the three objectives have been met, the permanent ceiling shall be reduced by 10,000.

(f) Whenever a reduction in the permanent ceiling is required to be made under this section in any year, such reduction shall be in addition to any reduction in the ceiling required to be made under this section in any previous year.

(g)(1) Not later than March 1 in each of the calendar years 1985 through 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status, as of January 1 of the year in which the report is submitted, of the following matters:

(A) The number of days of supply of the ground and aerial munitions in hand or on order of the member nations of NATO (other than the United States) which have committed forces to the Center Region.

(B) The number of facilities and semi-hardened aircraft shelters completed or under construction as they relate to the United States commitment of reinforcing aircraft in the United States Defense Planning Questionnaire (DPQ) Response of the previous year.

(C) The measures taken to accomplish the objectives of subsection (d)(3).

(2) The March 1985 report shall establish the baseline for measuring the annual performance of member nations of NATO (other than the United States) in meeting the objectives established in subsection (d) (1) and (2); the March 1986 report shall de-

scribe and employ, on a trial basis, the methodology to be used.

(3) The report required by this subsection shall also include an assessment of whether any reduction in—

(A) the gap in air and ground munitions (referred to in subsection (d)(1)) was accomplished by reallocation of funds within existing or planned spending levels; and

(B) the gap in minimum essential and emergency operating facilities and semi-hardened aircraft shelters (referred to in subsection (d)(2)) was accomplished by real increased spending or by reallocation within existing spending levels of infrastructure funds.

(4)(A) Beginning with the fiscal year 1986 budget submission to the Congress, but not later than March 1, 1985, and annually thereafter, the Secretary of Defense shall report to the Congress on the status and cost of the United States commitment to NATO as reflected in the DPQ Response and in the defense budget request. The report shall be an annual update of the Department of Defense Report on "United States Expenditures in Support of NATO", first submitted to the Congress in June 1984 pursuant to section 1107 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 677), and shall include not only the information required by that section but also information which specifically identifies those items in the Secretary of Defense's procurement budget request that are in support of United States forces committed to or earmarked for NATO.

(B) In addition to the requirements under subparagraph (A), the Secretary of Defense shall include in such report an assessment of the performance of the members of NATO (other than the United States) in the following areas:

(i) Allied contributions to the common defense (this requirement is satisfied by submission of the report required by section 1001).

(ii) Improvement in sustainability and support for United States reinforcing tactical aircraft (this requirement is satisfied by submission of the report required by paragraph (1)).

(iii) Meeting NATO force goals.

(iv) Increasing NATO infrastructure funding.

(v) Improvements in air base defenses.

(vi) Increasing trained manpower levels, particularly reserves.

(vii) Increasing war reserve material.

(viii) Improving initial defense capability.

(ix) Improving NATO's ability to neutralize enemy follow-on forces, particularly use of emerging technologies.

(x) Improvements in mine/counter mine capability.

(xi) Improvements in offensive counter air capability.

(h)(1) The Congress finds that a viable "two-way street" of defense procurement improves NATO interoperability and therefore is important to overall improvements in conventional defense.

(2) In addition to any funds appropriated pursuant to the authorization contained in section 116(a) for the activities of the Director of Test and Evaluation, Defense, the Director may utilize an additional amount, not to exceed \$50,000,000, to acquire certain types of weapons, subsystems, and munitions of European NATO manufacture (including submunitions and dispensers; anti-tank and anti-armor guided missiles; mines; runway-cratering devices; torpedoes; mortar systems; light armored vehicles; and high-

velocity anti-tank guns) for side-by-side testing with comparable United States manufactured items. Such additional amount shall be derived from any funds appropriated pursuant to an authorization contained in this Act.

(i)(1) This section shall not apply in the event of a declaration of war or an armed attack on any NATO member country.

(2) This section may be waived by the President if he declares an emergency and immediately informs the Congress of his action and the reasons therefor.

STEVENS (AND INOUE) AMENDMENT NO. 3269

(Ordered to lie on the table.)

Mr. STEVENS (for himself and Mr. INOUE) submitted an amendment intended to be proposed by them to the bill S. 2723, supra; as follows:

On page 28, line 18, insert after "States": "(other than Alaska and Hawaii)".

On page 34, delete all after line 3 through and including line 3 on page 35.

HATFIELD (AND OTHERS) AMENDMENT NO. 3270

Mr. HATFIELD (for himself, Mr. JEPSEN, Mr. STAFFORD, Mr. MATSUNAGA, Mr. RANDOLPH, Mr. MOYNIHAN, Mr. BINGAMAN, Mr. KENNEDY, Mr. RIEGLE, Mr. SARBANES, Mr. CRANSTON, Mr. HUDDESTON, Mr. BUMPERS, Mr. LAUTENBERG, Mr. BOSCHWITZ, Mr. SASSER, Mr. SIMPSON, Mr. BOREN, Mr. PRYOR, Mr. METZENBAUM, Mr. BAUCUS, Mr. BIDEN, Mr. DODD, Mr. EXON, Mr. FORD, Mr. GLENN, Mr. HOLLINGS, Mr. BRADLEY, Mr. BURDICK, Mr. BYRD, Mr. LEVIN, Mr. LEAHY, Mr. MITCHELL, Mr. MELCHER, Mr. DECONCINI, Mr. CHILES, Mr. INOUE, Mr. JOHNSTON, Mr. HUMPHREY, Mr. MATHIAS, Mr. MURKOWSKI, and Mr. HEINZ) proposed an amendment to the bill S. 2723, supra; as follows:

On page 239, after line 2, add the following:

TITLE IV—UNITED STATES ACADEMY OF PEACE ACT

SHORT TITLE

SEC. 401. This title may be cited as the "United States Academy of Peace Act".

DECLARATION OF FINDINGS AND PURPOSES

SEC. 402. (a) The Congress finds and declares that—

(1) a living institution embodying the heritage, ideals, and concerns of the American people for peace would be a significant response to the deep public need for the Nation to develop fully a range of effective options, in addition to armed capacity, that can leash international violence and manage international conflict;

(2) people throughout the world are fearful of nuclear war, are divided by war and threats of war, are experiencing social and cultural hostilities from rapid international change and real and perceived conflicts over interests, and are diverted from peace by the lack of problem-solving skills for dealing with such conflicts;

(3) many potentially destructive conflicts among nations and peoples have been resolved constructively and with cost efficiency at the international, national, and community levels through proper use of such

techniques as negotiation, conciliation, mediation, and arbitration;

(4) there is a national need to examine the disciplines in the social, behavioral, and physical sciences and the arts and humanities with regard to the history, nature, elements, and future of peace processes, and to bring together and develop new and tested techniques to promote peaceful economic, political, social, and cultural relations in the world;

(5) existing institutions providing programs in international affairs, diplomacy, conflict resolution, and peace studies are essential to further development of techniques to promote peaceful resolution of international conflict, and the peacemaking activities of people in such institutions, government, private enterprise, and voluntary associations can be strengthened by a national institution devoted to international peace research, education and training, and information services;

(6) there is a need for Federal leadership to expand and support the existing international peace and conflict resolution efforts of the Nation and to develop new comprehensive peace education and training programs, basic and applied research projects, and programs providing peace information;

(7) the Commission on Proposals for the National Academy of Peace and Conflict Resolution, created by the Education Amendments of 1978, recommended establishing an academy as a highly desirable investment to further the Nation's interest in promoting international peace;

(8) an academy, strengthening and symbolizing the fruitful relation between the world of learning and the world of public affairs, would be the most efficient and immediate means for the Nation to enlarge its capacity to promote the peaceful resolution of international conflicts; and

(9) the establishment of an academy is an appropriate investment by the people of this Nation to advance the history, science, art, and practice of international peace and the resolution of conflicts among nations without the use of violence.

(b) It is the purpose of this title to establish an independent, nonprofit, national institution to serve the people and the Government through the widest possible range of education and training, basic and applied research opportunities, and peace information services on the means to promote international peace and the resolution of conflicts among the nations and peoples of the world without recourse to violence.

DEFINITIONS

SEC. 403. As used in this title, the term—

(1) "Academy" means the United States Academy of Peace established under this title;

(2) "Board" means the Board of Directors of the Academy; and

(3) "Center" means the Jennings Randolph Center for International Peace of the Academy.

ESTABLISHMENT

SEC. 404. (a) There is hereby established the United States Academy of Peace.

(b) The Academy is an independent nonprofit corporation and an organization as defined in section 170(c)(2)(B)(5) of the Internal Revenue Code of 1954. The Academy does not have the power to issue any shares of stock or to declare or pay any dividends.

(c) The Academy shall maintain its principal office in the District of Columbia with a designated agent or agents to accept service of process for the corporation. Notice to or

service upon an agent shall be deemed notice to or service upon the Academy.

(d) The Academy may rent, lease, purchase, or receive and hold in its name property for offices, schools, and other facilities and to carry out activities under this title. As determined by the Board, the Academy may establish offices, schools, and other facilities outside the District of Columbia for purposes not inconsistent with this title.

(e) As determined by the Board, the Academy may establish, under laws of the District of Columbia, a legal entity which is capable of receiving, holding, and investing public funds for purposes in furtherance of the Academy under this title. The Academy may designate such legal entity as the "Endowment of the United States Academy for Peace".

(f) The Academy is liable for the acts of its directors, officers, employees, and agents when acting within the scope of their authority.

(g)(1) The Academy has the sole and exclusive right to use and to allow or refuse others the use of the terms "United States Academy of Peace", and "Endowment of the United States Academy of Peace" and the use of any official United States Academy of Peace emblem, badge, seal, and other mark of recognition or any colorable simulation thereof. No powers or privileges hereby granted shall interfere or conflict with established or vested rights secured as of September 1, 1981.

(2) Notwithstanding any other provision of this title, the Academy may use "United States" or "U.S." or any other reference to the United States Government or Nation in its title or in its corporate seal, emblem, badge, or other mark of recognition or colorable simulation thereof in any fiscal year only if there is an authorization of appropriations for the Academy for such fiscal year provided by law.

(h) In selecting a site for the principal office of the Academy, the Board shall give preference to federally-owned facilities first and then to university-owned and privately-owned facilities. The Board's decision in this matter shall be based on the need for a setting in which to encourage the pursuit of scholarly research and educational activities. The Board shall bear in mind in site selection that the purpose of the Academy is not to serve as a base for public political activity of any kind against United States foreign policy or United States peacemaking efforts. The site selection decision shall be as cost-effective as possible.

POWERS AND DUTIES

SEC. 405. (a) The Academy may exercise the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act consistent with this title, except for section 5(o) of the District of Columbia Nonprofit Corporation Act (section 1005(o) of title 29 of the District of Columbia Code).

(b) The Academy, acting through the Board, may—

(1) establish a Center for International Peace and appoint to it for periods up to two years scholars and leaders in peace from the United States and abroad to pursue scholarly inquiry and other appropriate forms of communication on international peace and conflict resolution and, as appropriate, provide stipends, grants, fellowships, and other support to the leaders and scholars;

(2) establish such divisions, programs, schools, and offices as the Board deems appropriate to carry out this title;

(3) enter into formal and informal relationships with other institutions, public and private, for purposes not inconsistent with this title;

(4) conduct research and make studies, particularly of an interdisciplinary or of a multidisciplinary nature, into the causes of war and other international conflicts and the elements of peace among the nations and peoples of the world, including peace theories, methods, techniques, programs, and systems, and into the experiences of the United States and other nations in resolving conflicts with justice and dignity and without violence as they pertain to the advancement of international peace and conflict resolution, placing particular emphasis on realistic approaches to past successes and failures in the quest for peace and arms control and utilizing to the maximum extent possible United States Government documents and classified materials from the Department of State, the Department of Defense, the Arms Control and Disarmament Agency, and the intelligence community;

(5) develop programs to make international peace and conflict resolution research, education, and training more available and useful to persons in government, private enterprise, and voluntary associations, including the creation of handbooks and other practical materials;

(6) provide, promote, and support peace education and research programs at graduate and postgraduate levels;

(7) conduct training, symposia, and continuing education programs for practitioners, policymakers, policy implementers, and citizens and noncitizens directed to developing their skills in international peace and conflict resolution;

(8) develop, for publication or other public communication, and disseminate, the carefully selected products of the Academy;

(9) establish a clearinghouse and other means for disseminating information, including classified information that is properly safeguarded, from the field of peace learning to the public and to government personnel with appropriate security clearances;

(10) recommend to the Congress the establishment of a United States Medal of Peace to be awarded under such procedures as the Congress may determine, except that no person associated with the Academy may receive the United States Medal of Peace; and

(11) secure directly, upon request of the president of the Academy to the head of any Federal department or agency and in accordance with the Freedom of Information Act (5 U.S.C. 552), information necessary to enable the Academy to carry out the purposes of this title if such release of the information would not unduly interfere with the proper functioning of a department or agency, including classified information if the Academy staff and members of the Board who have access to such classified information obtain appropriate security clearances from the Department of Defense and the Department of State.

(c) The Academy may undertake extension and outreach activities under this title by making grants and entering into contracts with institutions of postsecondary, community, secondary, and elementary education including combinations of such institutions, with public and private educational, training, or research institutions including the American Federation of Labor-the Congress of Industrial Organizations and libraries, and with public departments and agen-

cies including State and territorial departments of education and of commerce. No grant may be made to an institution unless it is a nonprofit or official public institution, and at least one-fourth of the Academy's annual appropriations shall be paid to such nonprofit and official public institutions. A grant or contract may be made to—

(1) initiate, strengthen, and support basic and applied research on international peace and conflict resolution;

(2) promote and advance the study of international peace and conflict resolution by educational, training, and research institutions, departments, and agencies;

(3) educate the Nation about and educate and train individuals in peace and conflict resolution theories, methods, techniques, programs, and systems;

(4) assist the Academy in its publication, clearinghouse, and other information services programs;

(5) assist the Academy in the study of conflict resolution between free trade unions and Communist-dominated organizations in the context of the global struggle for the protection of human rights; and

(6) promote the other purposes of this title.

(d) The Academy may respond to the request of a department or agency of the United States Government to investigate, examine, study, and report on any issue within the Academy's competence, including the study of past negotiation histories and the use of classified materials.

(e) The Academy may enter into contracts for the proper operation of the Academy, including maintenance of its offices, schools, and other facilities.

(f) The Academy may appoint and fix the compensation and duties of officers, employees, and agents and establish such advisory committees, councils, or other bodies as the efficient administration of the business and purposes of the Academy may require.

(g) The Academy may adopt, amend, and after bylaws, not inconsistent with the laws of the United States and the District of Columbia, for the management of Academy property and the regulation of Academy affairs.

(h)(1) Except as provided in paragraph (2) and section 410(e), the Academy may obtain grants and contracts, including contracts for classified research for the Department of State, the Department of Defense, the Arms Control and Disarmament Agency, and the intelligence community, and receive gifts and contributions from government at all levels.

(2)(A) the Academy may not accept any gift, contribution, or grant from, or enter into any contract with, a foreign government, any agency or instrumentality of such government, any international organization, or any foreign national, except that the Academy may accept the payment of tuition by foreign nationals for instruction provided by the Academy.

(B) For purposes of this paragraph, the term "foreign national" means—

(i) a natural person who is a citizen of a foreign country or who owes permanent allegiance to a foreign country; and

(ii) a corporation or other legal entity in which natural persons who are nationals of a foreign country own, directly or indirectly, more than 50 per centum of the outstanding capital stock or other beneficial interest in such legal entity.

(C) For purposes of this paragraph, the term "person" means a natural person, part-

nership, association, other unincorporated body, or corporation.

(i) The Academy may charge and collect subscription fees and develop, for publication or other public communication, and disseminate, periodicals and other materials.

(j) The Academy may charge and collect fees and other participation costs from persons and institutions participating in the Academy's direct activities authorized in subsection (b).

(k) The Academy may sue and be sued, complain, and defend in any court of competent jurisdiction.

(l) The Academy may adopt, alter, use, and display a corporate seal, emblem, badge, and other mark of recognition and colorable simulations thereof.

(m) The Academy may do any and all lawful acts and things necessary or desirable to carry out the objectives and purposes of this title.

(n) The Academy shall not itself undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative bodies, or by the United Nations, except that personnel of the Academy may testify or make other appropriate communication when formally requested to do so by a legislative body, a committee, or a member thereof.

BOARD OF DIRECTORS

SEC. 406. (a) The powers of the Academy shall be vested on a Board of Directors unless otherwise specified in this title.

(b) The Board of Directors shall consist of nineteen members appointed as follows:

(1) two Members of the Senate, one from each of the major political parties, to be appointed by the President pro tempore of the Senate no later than five days after the confirmation of the members nominated by the President;

(2) two Members of the House of Representatives, one from each of the major political parties, to be appointed by the Speaker of the House of Representatives no later than five days after the confirmation of the members nominated by the President;

(3) eleven persons each of whom shall have appropriate practical or academic experience in peace and conflict resolution efforts of the United States, no more than six of whom may be members of the same political party and none of whom may be employees of the Federal Government, appointed by the President, by and with the advice and consent of the Senate. Not later than ninety days after the date of enactment of this title, the President shall nominate the eleven individuals for the initial Board and transmit their names and any other information to the Senate. If the Senate fails to confirm a nominee, it shall so inform the President. The President shall submit the name of a new nominee within fifteen days of notice of rejection by the Senate; and

(4) four officials who shall serve as ex-officio members of the Board, consisting of the Secretary of State, the Secretary of Defense, the Director of the Arms Control and Disarmament Agency, and the Commandant of the National Defense University or their designees.

(c) A director shall take an oath of office administered by the Vice President of the United States within two weeks after appointment, if a Member of Congress, or after confirmation by the Senate, if a Presidential appointee.

(d) Members of the Board of Directors shall serve the following terms of office:

(1) A Member of Congress appointed to the Board shall serve for a single term of six years and only while serving as a Member of Congress.

(2) When submitting nominations for the initial Board, the President shall stipulate by name four directors who shall serve for five-year terms, four directors who shall serve for four-year terms, and three directors who shall serve for three-year terms. Thereafter, each Presidential appointee, except for a director appointed to fill an unexpired term, shall serve for a five-year term. No Presidential appointee may serve on the Board for more than ten years.

(3) No person may be appointed to less than a full term unless appointed to fill an unexpired term.

(e) Whenever a vacancy occurs on the Board before the expiration of a director's term of office, the vacancy shall be filled—

(1) if a Member of Congress, pursuant to paragraph (1) or (2) of subsection (b) with the appointment made to a full term no later than thirty calendar days after the vacancy occurs; or

(2) if a Presidential appointee, by the Board submitting a list of nominees of no less than three and no more than five names to the President no later than thirty calendar days after the vacancy occurs. The President shall select a nominee from the list and submit the nominee's name to the Senate for confirmation no later than thirty calendar days after receiving the Board's recommendations.

(f) At least ninety days but no more than one hundred and twenty days before the timely expiration of the term of office of any Presidential appointee to the Board, the Board shall submit to the President a list of no less than three and no more than five recommendations for each position. The President shall submit the name of the nominee for each position selected from the Board's list of recommendations, to the Senate for confirmation at least forty-five calendar days before expiration of the term of office to be filled.

(g) A director may be removed from the Board as follows:

(1) A member of the Board appointed from the Congress may be removed by the appointing authority for malfeasance in office, persistent neglect of duties, or inability to discharge duties.

(2) A member of the Board appointed by the President may be removed by the President—

(A) in consultation with the Board, for conviction of a felony, malfeasance in office, persistent neglect of duties, or inability to discharge duties;

(B) upon the recommendation of ten members of the Board; or

(C) upon the recommendation of a majority of the members of the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and a majority of the members of the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate.

A recommendation made in accordance with clause (B) may be made only pursuant to action taken at a meeting of the Board, which may be closed pursuant to the procedures of subsection (1). Only members who are present may vote. A record of the vote shall be maintained. The President shall be informed immediately by the Board of the recommendation. If the President removes the member based on any of the grounds described in clauses (A) through (C), the

President shall nominate a successor pursuant to subsection (e).

(h) No member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly and financially benefits the member or pertains specifically to any public body or any private or nonprofit firm or organization with which the member is then formally associated or has been formally associated within a period of two years.

(i) Meetings of the Board shall be conducted as follows:

(1) The President shall stipulate by name the nominee who shall be the first Chairman of the Board. The first chairman shall serve for a term of three years.

Thereafter, the Board shall elect a Chairman every three years from among the directors appointed by the President and may elect a Vice Chairman if so provided by the Academy's bylaws.

(2) The Board shall meet at least semiannually, at any time pursuant to the call of the Chairman or as requested in writing to the Chairman by at least five members of the Board, and as may be provided by the bylaws of the Academy not inconsistent with this title. A majority of the members of the Board, including one member appointed from the Congress, shall constitute a quorum for any Board meeting.

(3) Upon majority vote of the members of the Board, the Board shall adopt, and may from time to time amend, such bylaws as are necessary for the proper management and functioning of the Academy.

(4) All meetings of the Board shall be open to public observation and shall be preceded by reasonable public notice. Notice in the Federal Register shall be deemed to be reasonable public notice for purposes of the preceding sentence. In exceptional circumstances, the Board may close those portions of a meeting, upon a majority vote of its members present and with the vote taken in public session, which are likely to disclose information likely to affect adversely any ongoing peace proceeding or activity or to disclose information or matters exempted from public disclosure pursuant to subsection (c) of section 552b of title 5, United States Code.

(j) A director appointed by the President shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule in section 5332 of title 5, United States Code, for each day during which the director is engaged in the performance of duties as a member of the Board.

(k) While away from his home or regular place of business in the performance of duties for the Academy, a director shall be allowed travel expenses, including a per diem in lieu of subsistence, not to exceed the expenses allowed persons employed intermittently in Government service under section 5703(b) of title 5, United States Code.

OFFICERS AND EMPLOYEES OF THE ACADEMY

SEC. 407. (a) The Board shall appoint the president of the Academy and such other officers as the Board determines to be necessary. The president shall be a nonvoting ex officio member of the Board. All officers shall serve at the pleasure of the Board. The president shall be appointed for an explicit term of years. Notwithstanding any other provision of law limiting the payment of compensation, the president and other officers appointed by the Board shall be compensated at rates determined by the

Board, but no greater than those provided for by level I of the Executive Schedule of chapter 53 of title 5, United States Code.

(b) Subject to the provisions of section 410(e), the Board shall authorize the president and any other officials or employees it designates to receive and disburse public moneys, obtain and make grants, enter into contracts, establish and collect fees, issue certificates and other honorifics, and undertake all other activities necessary for the efficient and proper functioning of the Academy.

(c) The president, subject to Academy bylaws and general policies established by the Board, may appoint, fix the compensation of, and remove such employees of the Academy as the president determines necessary to carry out the purposes of the Academy. In determining employee rates of compensation, the president shall be governed by the provisions of title 5, United States Code, relating to classification and General Schedule pay raises.

(d)(7) The president may request the assignment of any Federal officer or employee to the Academy by an appropriate department, agency, or congressional official or Member of Congress and may enter into agreement for such assignment, if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the department, agency, or congressional staff of such officer or employee.

(2) The Secretary of State, the Secretary of Defense, the Director of the Arms Control and Disarmament Agency, and the Director of Central Intelligence each may assign officers and employees of his respective department or agency, on a rotating basis to be determined by the Board, to the Academy if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the respective department or agency of such officer or employee.

(e) No officer or full-time employee of the Academy may receive any salary or other compensation for services from any source other than the Academy during the officer's or employee's period of employment by the Academy, except as authorized by the Board.

(f)(1) Officers and employees of the Academy shall not be considered officers and employees of the Federal Government except for purposes of the provisions of title 28, United States Code, which relate to Federal tort claims liability, and the provisions of title 5, United States Code, which relate to compensation and benefits, including the following provisions: chapter 51 (relating to classification); subchapters I and III of chapter 53 (relating to pay rates); subchapter I of chapter 81 (relating to compensation for work injuries); chapter 83 (relating to civil service retirement); chapter 87 (relating to life insurance); and chapter 89 (relating to health insurance). The Academy shall make contributions at the same rates applicable to agencies of the Federal Government under the provisions of title 5 referred to in this section.

(2) No Federal funds shall be used to pay for private fringe benefit programs. The Academy shall not grant academic tenure or make long-term commitments to employees that are inconsistent with rules and regulations applicable to Federal employees.

(g) No part of the financial resources, income, or assets of the Academy or of any

legal entity created by the Academy shall inure to any agent, employee, officer, or director or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this section may be construed to prevent the payment of reasonable compensation for services or expenses to the directors, officers, employees, and agents of the Academy in amounts approved in accordance with the provisions of this title.

(h) The Academy shall not make loans to its directors, officers, employees, or agents, or to any legal entity created by the Academy. A director, officer, employee, or agent who votes for or assents to the making of a loan or who participates in the making of a loan shall be jointly and severally liable to the Academy for the amount of the loan until repayment thereof.

PROCEDURES AND RECORDS

SEC. 408. (a) The Academy shall monitor and evaluate and provide for independent evaluation if necessary of programs supported in whole or in part under this title to ensure that the provisions of this title and the bylaws, rules, regulations, and guidelines promulgated pursuant to this title are adhered to.

(b) The Academy shall prescribe procedures to ensure that grants, contracts, and financial support under this title are not suspended unless the grantee, contractor, or person or entity receiving financial support has been given reasonable notice and opportunity to show cause why the action should not be taken.

(c) In selecting persons to participate in Academy activities, the Academy may consider a person's practical experience or equivalency in peace study and activity as well as other formal requirements.

(d) The Academy shall keep correct and complete books and records of account, including separate and distinct accounts of receipts and disbursements of Federal funds. The Academy's annual financial report shall identify the use of such funding and shall present a clear description of the full financial situation of the Academy.

(e) The Academy shall keep minutes of the proceedings of its Board and of any committees having authority under the Board.

(f) The Academy shall keep at its principal office a record of the names and addresses of its Board members; copies of this title, of any other Acts relating to the Academy, and of all Academy bylaws, rules, regulations, and guidelines; required minutes of proceedings; a record of all applications and proposals and issued or received contracts and grants; and financial records of the Academy. All items required by this subsection may be inspected by any Board member of the member's agent or attorney for any proper purpose of any reasonable time.

(g) The accounts of the Academy shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States on or before December 31, 1970. The audit shall be conducted at the place or places where the accounts of the Academy are normally kept. All books, accounts, financial records, files, and other papers, things, and property belonging to or in use by the Academy and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions

with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(h) The Academy shall provide a report of the audit to the President of the United States and to each House of Congress no later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the Academy's assets and liabilities, surplus or deficit, with reasonable detail, including a statement of the Academy's income and expenses during the year including a schedule of all contracts and grants requiring payments in excess of \$5,000 and any payments of compensation, salaries, or fees at a rate in excess of \$5,000 per annum. The report shall be produced in sufficient copies for the public.

(i) The Academy and its directors, officers, employees, and agents shall be subject to the provisions of section 552 of title 5, United States Code (relating to freedom of information).

INDEPENDENCE AND LIMITATIONS

SEC. 409. (a) Nothing in this title may be construed as limiting the authority of the Office of Management and Budget to review and submit comments on the Academy's budget request at the time it is transmitted to the Congress.

(b) No political test or political qualification may be used in selecting, appointing, promoting, or taking any other personnel action with respect to any officer, employee, agent, or recipient of Academy funds or services or in selecting or monitoring any grantee, contractor, person, or entity receiving financial assistance under this title.

FUNDING

SEC. 410. (a) For the purpose of purchasing, leasing, renting, or otherwise acquiring and improving a suitable site for a principal office for the Academy, the Center for International Peace, and for the legal entity authorized to be established under section 404 of this title, in or within easy reach of the District of Columbia, there are authorized to be appropriated on or after October 1, 1983, to the Academy a capitalization fund of \$7,500,000 which shall remain available to the Academy without regard to fiscal year limitations, except that none of such funds may be used to pay for the construction of any building or facility for the Academy.

(b) For the purpose of establishing the programs and administering the affairs of the Academy as authorized by this title (except for paragraph (10) of section 405(b)), there are authorized to be appropriated for the fiscal year 1985, \$6,000,000 and for the fiscal year 1986, \$10,000,000. Monies appropriated for the fiscal year 1985 shall remain available to the Academy through the fiscal year 1986.

(c) The Board of Directors may transfer to the legal entity authorized to be established under section 4(e) any funds not obligated or expended from appropriations to the Academy for a fiscal year, and such funds shall remain available for obligation or expenditure for the purposes of such legal entity without regard to fiscal year limitations. Any use by such legal entity of appropriated funds shall be reported to each House of the Congress and to the President of the United States.

(d) Any authority provided by this title to make contracts shall be effective for a fiscal

year only to such extent or in such amounts as are provided in appropriation Acts.

(e) Notwithstanding any other provision of this title, the Academy and the legal entity described in section 404(e) may not obtain any grant or contract or receive any gift or contribution from any private agency, organization, corporation or other legal entity, institution, or individual.

DISSOLUTION OR LIQUIDATION

SEC. 411. Upon dissolution or final liquidation of the Academy or of any legal entity created pursuant to this title, all income and assets of the corporation or other legal entity shall revert to the Treasury of the United States.

REPORTING REQUIREMENT AND REQUIREMENT TO HOLD HEARINGS

SEC. 412. Beginning two years after the date of enactment of this title, and at intervals of two years thereafter, the Chairman of the Board of Directors of the Academy shall prepare and transmit to the Congress and the President a report detailing the progress the Academy has made in carrying out the purposes of this title during the preceding two-year period. The President shall prepare and transmit to the Congress within a reasonable time after the receipt of such report the written comments and recommendations of the appropriate agencies of the United States with respect to the contents of such report and their recommendations with respect to any legislation which may be required concerning the Academy. After receipt of such report by the Congress, the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate shall hold hearings to review the findings and recommendations of such report and the written comments received from the President.

WALLOP (AND OTHERS) AMENDMENT NO. 3271

Mr. WALLOP (for himself, Mr. WARNER, and Mr. WILSON) proposed an amendment to the bill S. 2723, supra; as follows:

On p. 11, line 11, add:

(e) The funds authorized to be appropriated for the Strategic Defense Initiative shall be managed by the Director of the Strategic Defense Office, subject only to the approval of the Secretary of Defense, and applicable laws, including the submission to the Congress of plans for reprogramming of funds. The Director of the Strategic Defense Office is authorized to establish all appropriate programs and demonstrations and to contract directly with private industry or the national laboratories.

GRASSLEY (AND OTHERS) AMENDMENT NO. 3272

Mr. GRASSLEY (for himself, Mr. PRESSLER, Mr. LEVIN, Mr. PRYOR, Mrs. KASSEBAUM, Mr. CHILES, Mr. DIXON, Mr. JEPSEN, Mr. GLENN, Mr. BINGAMAN, Mr. CRANSTON, Mr. MELCHER, and Mr. KASTEN) proposed an amendment to the bill S. 2723, supra; as follows:

On page 84, line 14, strike out "The head of an agency" and insert in lieu thereof, the following:

"A person denied the opportunity to demonstrate its ability to meet the standards speci-

fied for qualification pursuant to subsection (a)(4) may not be denied the opportunity to submit and have considered an offer for a contract to be made by the Department of Defense solely because the person—

"(1) is not on a list of qualified bidders prescribed or maintained by the Department of Defense; or

"(2) in the case of a contract for the purchase of a product, does not have its product on a list of qualified products prescribed or maintained by the Department of Defense.

"The head of an agency".

On page 92, line 22, strike out the quotation marks and the second period.

On page 96, between lines 22 and 23, insert the following:

"§ 2323. Competition for spare parts

"(a) A contractor's legitimate proprietary interest in technical or other data shall be defined by regulations prescribed as part of the single system of Government-wide procurement regulations (commonly referred to as the Federal Acquisition Regulations), as defined in section 4(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(4)).

The regulations shall assure that, except as provided by statute, the United States shall retain unlimited rights to technical or other data which is developed exclusively with Federal funds. The following factors shall be considered in prescribing the definition:

"(1) The statement of congressional policy and objectives in section 200 of title 35, the statement of purposes in section 2(b) of the Small Business Innovation Development Act of 1982 (Public Law 97-219; 15 U.S.C. 638 note), and the declaration of policy in section 2 of the Small Business Act (15 U.S.C. 631).

"(2) The interest of the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture.

"(b) The Secretary of Defense shall—

"(1) prescribe regulations establishing within appropriate agencies of the Department of Defense programs which provide domestic business concerns an opportunity to purchase or borrow spare or replacement parts from the United States for the purpose of reverse engineering, or design replication or modification, to be used by such concerns in the submission of subsequent offers to sell the same or like parts to the United States, but nothing in this clause shall limit the authority of the head of an agency to impose restrictions on such a program related to national security considerations, inventory needs of the United States, the improbability of future purchases of the same or like parts, or any additional restrictions otherwise required by law; and

"(2) consult with representatives of associations representing small business concerns before regulations are prescribed under paragraph (1).

"§. 2324. Commercial pricing for spare parts

"(a) Except as provided in subsections (b) and (c), a contract made by the Department of Defense for the purchase of spare or replacement parts and offered for sale to the general public may not result in a cost to the United States that exceeds the lowest price at which such parts are made available by the contractor to commercial buyers.

"(b) A person who submits an offer to the Department of Defense for the supply of spare or replacement parts having a commercial application shall certify that the of-

fered price is its lowest commercial price for the items submitted, or shall submit with the offer a written statement specifying the difference between the lowest commercial price of the offeror for the parts and the price offered, and providing a justification for that difference.

"(c) Subsections (a) and (b) do not apply to a contract if the contracting officer determines that the use of the price otherwise required is not appropriate because of—

"(1) national security considerations; or

"(2) differences in quantities, quality, delivery, or other terms and conditions of the contract from commercial contract terms."

On page 93, above line 1, strike out the close quotation marks and the second period after "restrictions".

On page 93, above line 1, insert the following: "2323. competition for spare parts. "2324. Commercial pricing for spare parts."

On page 94, beginning with line 15, strike all though line 5 on page 95, and insert in lieu thereof the following:

"(7) 'Technical data' means recorded information (regardless of the form or method of the recording) of a scientific or technical nature (including engineering data) relating to the property procured by an agency and used throughout the life cycle of the property for the purposes of performing management, engineering, maintenance, modification, test, and other functions relating to the property and to procure spares or additional spares of such property, and includes data resulting from work which was specified and directly funded as an element of performance of a contract from the United States, but does not include computer software, or financial, administrative, cost or pricing, management data, or other information incidental to contract administration. For purposes of commercial products, technical data shall be restricted to only that data necessary to fully operate and maintain the system during its service life."

On page 96, between lines 11 and 12, insert the following:

(d) Section 2303 (a) of title 10, United States Code, is amended by adding at the end thereof the following "(6) Defense Logistics Agency."."

KASSEBAUM (AND OTHERS) AMENDMENT NO. 3273

Mrs. KASSEBAUM (for herself, Mr. LEAHY, Mr. GORTON, Mr. LEVIN, Mr. PRYOR, Mr. GRASSLEY, Mr. PRESSLER, Mr. HUDDLESTON, Mr. DOLE, Mr. SASSER, and Mr. ANDREWS) proposed an amendment (which was subsequently modified) to the bill S. 2723, supra; as follows:

On page 8, line 9, strike out "\$20,000,000" and insert in lieu thereof "\$40,000,000, of which not less than \$20,000,000 shall be used for the exclusive use of the Air National Guard and the Marine Corps Air Force Reserve."

On page 9, between lines 2 and 3, insert the following new subsection:

(e)(1) Not less than \$5,000,000 of any funds appropriated for Air National Guard equipment pursuant to the authorization contained in subsection (a) shall be used for the procurement of so-called "smoke kits" for the F-4 aircraft.

(2) On and after the date of the enactment of this Act for the fiscal year 1985, for each F-4 aircraft in the Regular component

of the Air Force that is "de-smoked," at least one F-4 aircraft assigned to the Air National Guard or the Air Force Reserve shall be "de-smoked."

(3) It is the sense of Congress that the F-4D "smoke kit" modification program for the Air National Guard and Air Force Reserve should become a priority program and should be the subject of requests for increased funding commencing in the fiscal year 1986 Department of Defense budget request.

GOLDWATER AMENDMENT NO. 3274

Mr. GOLDWATER proposed an amendment to amendment No. 3273 proposed by Mrs. KASSEBAUM (and others), as modified, to the bill S. 2723, supra; as follows:

On line 2, strike beginning with "\$40,000,000 through the end of line 4 and insert in lieu thereof the following: "\$20,000,000, all of which may be expended for the procurement of 30 new gun pods should the Director of the Air National Guard deem such gun pods to be of sufficiently high priority."

DENTON (AND HEFLIN) AMENDMENT NO. 3275

Mr. DENTON (for himself and Mr. HEFLIN) proposed an amendment to the bill S. 2723, supra; as follows:

On page 128, between lines 12 and 13, insert the following new section:

RESTRICTION ON DIVERSION OF CARGO CARRIED ON MILITARY SEALIFT COMMAND VESSELS

SEC. . None of the funds appropriated pursuant to an authorization contained in this Act may be used by the Department of Defense to divert cargo on a permanent basis for any consolidation or reduction of the number of ports of call for breakbulk shipments carried on Military Sealift Command vessels with a Pacific Ocean destination which would be fewer than the number of ports of call which were being utilized by such ships on January 1, 1984.

SARBANES (AND MATHIAS) AMENDMENT NO. 3276

Mr. SARBANES (for himself and Mr. MATHIAS) proposed an amendment to the bill S. 2723, supra; as follows:

On page 218, between lines 7 and 8, insert the following new section:

LAND CONVEYANCE, ANNAPOLIS, MARYLAND

SEC. 293. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Naval Academy Athletic Association, a nonprofit organization located in the State of Maryland (hereinafter in this section referred to as the "Association"), all right, title, and interest of the United States in and to approximately 4.3 acres of unimproved land comprising a portion of the United States Naval Academy, Annapolis, Maryland.

(b) In consideration for the conveyance under subsection (a), the Association shall pay to the United States an amount equal to the appraised fair market value of the property to be conveyed (as determined by the Secretary).

(c) The unimproved land to be conveyed under subsection (a) shall be land that was

conveyed by the Association to the United States in 1965. The exact acreage and legal description of the land to be conveyed shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Association.

(d) If the Secretary determines that—

(1) the land conveyed under subsection (a) has not been expeditiously developed by the Association for a use compatible with and in support of the activities of the United States Naval Academy, or

(2) the Association has not so used the land and the improvements on the land for any period of one year or more beginning after the development of the land has been completed,

all right, title, and interest in and to the land, including the improvements on the land, shall revert at no cost to the United States, which shall have the right of immediate entry thereon.

(e) The Secretary may require such additional terms and conditions under this section as he considers appropriate to protect the interests of the United States.

WEICKER AMENDMENT NO. 3277

Mr. WEICKER proposed an amendment to the bill S. 2723, supra; as follows:

On page 157, between lines 22 and 23, insert the following:

Naval Submarine School, New London, Connecticut, \$6,800,000."

On page 185, line 20, strike out "\$2,351,581,000" and insert in lieu thereof "\$2,358,381,000".

On page 185, line 23, strike out "\$1,161,555,000" and insert in lieu thereof "\$1,168,355,000".

On page 5, line 2, strike the numeral and insert "12,191,400,000".

WILSON AMENDMENT NO. 3278

Mr. WILSON proposed an amendment to the bill S. 2723, supra; as follows:

On page 10, line 3, insert after the word "Defense" the following: "And of which \$5,000,000 is authorized only for the purpose of adapting Free Electron Laser technology to medical applications and medical research. None of the \$5,000,000 authorized for the purpose of adapting Free Electron Laser Technology shall be taken from amounts authorized for appropriations in this Act for basic research and exploratory development."

TOWER AMENDMENTS NOS. 3279 THROUGH 3282

Mr. TOWER proposed four amendments to the bill S. 2723, supra; as follows:

Strike out lines (1) through (2) on page 39, and insert in lieu thereof the following:

"(c) The table at the end of section 301(b) of title 37, United States Code, is amended to read as follows:

Pay grade	Years of service computed under section 205—						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-9	\$131	\$131	\$131	\$131	\$131	\$131	\$131
E-8	131	131	131	131	131	131	131
E-7	110	110	110	110	113	119	131

Pay grade	Years of service computed under section 205—						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-6	110	110	110	110	110	113	119
E-5	110	110	110	110	110	110	113
E-4	110	110	110	110	110	110	110
E-3	110	110	110	110	110	110	110
E-2	110	110	110	110	110	110	110
E-1	110	110	110	110	110	110	110
E-4 under 4 months	110	110	110	110	110	110	110
Aviation cadets	110	110	110	110	110	110	110

Pay Grade	Years of service computed under section 205—						
	Over 12	Over 14	Over 16	Over 18	Over 22	Over 26	Over 30
E-9	\$131	\$131	\$131	\$131	\$131	\$131	\$131
E-8	131	131	131	131	131	131	131
E-7	131	131	131	131	131	131	131
E-6	119	125	125	125	125	125	125
E-5	119	119	119	119	119	119	119
E-4	110	110	110	110	110	110	110
E-3	110	110	110	110	110	110	110
E-2	110	110	110	110	110	110	110
E-1	110	110	110	110	110	110	110

"(d) The amendments made by this section shall apply to duty performed on or after October 1, 1984."

AMENDMENT No. 3280

At the end of Part I of title I of the bill, insert the following new section:

SEC. . Section 9(b)(4) of the Military Justice Act of 1983 (Public Law 98-209, 97 Stat. 1393) is amended by striking out "first day of the ninth calendar month" and inserting in lieu thereof "fifteenth day of the twelfth calendar month".

AMENDMENT No. 3281

On page 128, line 19, strike out "issue of" and insert in lieu thereof "the issuance of authorized".

On page 128, line 22, strike out "authorized issues of articles" and insert in lieu thereof "issue of authorized articles".

On page 129, line 20, strike out "authorized issue articles" and insert in lieu thereof "issue of authorized articles".

On page 130, strike out line 22 and all that follows through line 5 on page 131 and insert in lieu thereof the following:

"Funds appropriated to the Department of Defense may not be used for research involving a human being as an experimental subject unless—
in advance; or

"(2) in the case of research intended to be beneficial to the subject, the informed consent of the subject or a legal representative of the subject is obtained in advance.

On page 131, beginning on line 25, strike out "any member of the armed forces or civilian employee of the Department of Defense while such member or employee" and insert in lieu thereof "a civilian employee of the Department of Defense while such employee".

On page 132, beginning on line 6, strike out "member, employee," and insert in lieu thereof "employee".

On page 133, line 18, strike out "enlistments" and insert in lieu thereof "enlistment".

On page 134, line 16, strike out "personnel" and insert in lieu thereof "persons".

On page 134, beginning on line 18, strike out "such care" and all that follows through line 19 and insert the following: "such care (other than elective private treatment) in

private facilities for members of the armed forces".

On page 142, beginning on line 12, strike out "Secretary of the Army, Navy, or Air Force" and insert in lieu thereof "Secretary of the military department concerned".

On page 145, line 13, strike out "tips." and insert in lieu thereof "tips; or".

On page 145, line 15, strike out "706, 707, and 716" and insert in lieu thereof "706 and 707".

On page 146, after line 3, insert the following:

(d) Section 809 of the Department of Defense Appropriation Authorization Act, 1979 (10 U.S.C 2102 note), is repealed.

AMENDMENT NO. 3282

On page 27, lines 1 and 3, strike out "1985" both times it appears and insert in lieu thereof "1984".

LEVIN AMENDMENT NO. 3283

Mr. LEVIN proposed an amendment to the bill S. 2723, supra; as follows:

Following line 10 on page 11 insert the following new section:

(e)(1) Of the funds authorized to be appropriated by subsection (a) for the Army, the sum of \$1,300,000 shall be available only for—

(A) the purchase of new methanol cars;

(B) establishing the reliability and durability of such vehicles in laboratory and fleet tests;

(C) testing a percentage of the methanol fleet in cold weather environments and;

(D) resolving related support functions for the safe and efficient storage, distribution, and the use of neat methanol fuel for such vehicles.

(2) The Secretary of the Army shall submit a written report to the Committee on Armed Services of the Senate and the House of Representatives not later than September 30, 1985, on the progress of the methanol fuel program referred to in paragraph (1).

None of the funds authorized pursuant to section (e) above shall be taken from amounts authorized by appropriations in this Act for basic research and exploratory development.

(A) A maximum range of 200 kilometers.

(B) A payload at maximum range of 1,000.

HOLLINGS AMENDMENT NO. 3284

Mr. BIDEN (for Mr. HOLLINGS) proposed an amendment to the bill S. 2723, supra; as follows:

At the end of Part I—General Provisions, page 128, line 13, add the following new section:

CONTRACTING-OUT CORE LOGISTICS ACTIVITIES

SEC. . (a)(1) It is essential for the national defense that Department of Defense activities maintain a logistics and readiness capability (including personnel, equipment, and facilities) to ensure a ready and controlled source of technical competence and resources necessary to ensure effective and timely response to a mobilization, national defense contingency situations, and other emergency requirements.

(2) The Secretary of Defense shall identify those logistics activities that are necessary to maintain the logistics capability described in paragraph (1).

(b)(1) Except as provided in paragraph (2), performance of a logistics activity identified by the Secretary of Defense under subsec-

tion (a)(2) may not be contracted for performance by non-Government personnel under the procedures and requirements of Office of Management and Budget Circular A-76 or any successor administrative regulation or policy (hereinafter in this section referred to as "OMB Circular A-76").

(2) The Secretary of Defense may waive paragraph (1) in the case of any logistics activity and provide that performance of such activity shall be considered for conversion to contractor performance in accordance with OMB Circular A-76. Any such waiver shall be made under regulations prescribed by the Secretary of Defense and shall be based on a determination by the Secretary that Government performance of the activity is no longer required for national defense reasons. Such regulations shall include criteria for determining whether Government performance of a logistics activity identified under subsection (a)(2) is no longer required for national defense reasons.

(3) Any waiver under paragraph (2) will be identified by the Secretary of Defense in a report to the Committees on Armed Services of the Senate and House of Representatives.

(c) Identification of logistics activities that are necessary to maintain the logistics capability described in subsection (a)(1) shall be completed, and a report describing those activities (including a detailed specification or listing) shall be submitted to the Committees on Armed Services of the Senate and House of Representatives, not later than April 1, 1985.

ROTH AMENDMENT NO. 3285

Mr. ROTH proposed an amendment to the bill S. 2723, supra; as follows:

On page 4, after line 16, insert the following new section:

HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLE

(a) None of the funds appropriated pursuant to the authorization of appropriations in section 101 may be obligated for the high mobility multipurpose wheeled vehicle until—

(1) follow-on evaluation testing of such vehicle has been completed as currently scheduled;

(2) the Secretary of the Army has reported to the appropriate committees of the Congress the results of such testing and based on such test results has provided written assurance to the committees that continued production of such vehicle is in the national interest; and

(3) a period of at least 10 days has elapsed after the day on which the committees have received the report and the written assurance referred to in subsection (a)(2) above.

(b) The report required by subsection (a) shall—

(1) include a comprehensive description of the actions taken or planned in response to the results of such testing,

(2) identify areas, if any, where such testing indicates that such vehicle does not meet the reliability and maintainability requirements in the contract for such vehicles, and

(3) indicate the action that will be taken with regard to those areas identified in paragraph (2).

JOHNSTON AMENDMENT NO.

3286

Mr. JOHNSTON proposed an amendment to the bill S. 2723, supra; as follows:

"AUTHORIZATION FOR PRODUCTION OF THE 155-MILLIMETER ARTILLERY-FIRED, ATOMIC PROJECTILE

SEC. . (a) Notwithstanding any other provision of law, the Secretary of Energy may obligate not more than \$50 million from funds otherwise authorized to be appropriated in this Act for the construction of facilities necessary to produce the 155 millimeter artillery-fired, atomic projectile (Project 82-D-109).

(b) Notwithstanding any other provision of law, in the case of the 155 millimeter atomic-fired artillery projectile (W-82) and the 8-inch atomic-fired artillery projectile (W-79), the following conditions shall be adhered to:

(1) the total number of both such warheads produced may not exceed 925;

(2) the total funds that may be expended for the production of both such warheads subsequent to the date of enactment of this Act shall not exceed \$1,100,000,000;

(3) no such warheads produced after the date of enactment of this Act may be produced in the enhanced radiation version;

(4) in producing both such warheads, special emphasis shall be placed upon improvements in the safety, security, range and survivability of such warheads; and

(5) replacement of obsolete atomic-fired, artillery projectiles now in Europe with such improved warheads will be accomplished within the nuclear stockpile limits agreed to by NATO Defense Ministers at Montebello, Canada, in October 1983, which required the withdrawal of 1,400 warheads from the European stockpile in addition to the 1,000 warheads withdrawn in 1980.

(c) No action may be taken to implement the authority contained in this section until the Secretary of Defense has submitted a plan for the implementation of the provisions of this section to the Committees on Armed Services of the Senate and the House of Representatives."

BUMPERS (AND PRYOR) AMENDMENT NO. 3287

Mr. BUMPERS (for himself and Mr. PRYOR) proposed an amendment to the bill S. 2723, supra; as follows:

At an appropriate place in the bill insert the following new section:

SEC. . Notwithstanding any other provision of law, lands in the vicinity of Bull Shoals Lake in Arkansas administered by the Army Corps of Engineers which have been declared excess to Department of the Army needs shall remain under the administration of the Corps of Engineers and shall not be disposed of by the General Services Administration or the Bureau of Land Management.

BYRD AMENDMENT NO. 3288

Mr. BYRD proposed an amendment to the bill S. 2723, supra; as follows:

At the appropriate place in the bill, add the following:

"SEC. . The Department of Defense shall certify that all metal millform products produced by the Department or any of its ele-

ments, its contractors, or its subcontractors, contain no Cuban or Russian nickel."

MELCHER AMENDMENTS NOS. 3289 AND 3290

Mr. MELCHER proposed two amendments to the bill S. 2723, supra; as follows:

AMENDMENT No. 3289

At the appropriate place in the bill add the following new section:

"Sec. . . The Secretary of the Air Force shall prepare and submit a report to the appropriate committees of Congress, not later than January 1, 1985, analyzing the planned operational utilization of the Air Force's air refueling fleet throughout the remainder of this decade. This study shall include the planned utilization of the air refueling fleet for the Single Integrated Operational Plan (SIOP) and consider the growing number of potential contingency operations throughout the global spectrum of conflict to include multiple and simultaneous global threats."

AMENDMENT No. 3290

At the appropriate place in the bill add the following new section:

"Sec. . . Within 180 days after enactment of this bill, the Secretary of the Air Force shall submit a report to the appropriate committees of Congress analyzing and reviewing the effectiveness of current security arrangements at Clark Air Base, Philippines, and reviewing the provisions of the U.S.-Philippine basing agreement, and also suggest measures that could be taken to improve overall security at Clark Air Base."

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that H.R. 5740, the Barrow Gas Field Transfer Act of 1984, has been added to the agenda of the hearing scheduled before the Subcommittee on Public Lands and Reserved Water on Friday, June 22, at 10 a.m. In addition, I would like to announce that the hearing will be held in room SD-366 instead of room SD-562, as previously scheduled.

For further information regarding this hearing, you may wish to contact Mr. Tony Bevinetto of the Subcommittee staff at 224-5161.

SUBCOMMITTEE ON ENERGY REGULATION

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before the Subcommittee on Energy Regulation on Friday, June 22 at 9 a.m. to consider S. 1069, S. 817, and H.R. 555, relating to construction work in progress, has been canceled and will be rescheduled at a later date.

For further information regarding this hearing you may wish to contact Mr. Howard Useem of the subcommittee staff at 224-5205.

ADDITIONAL STATEMENTS

AGRICULTURAL TAX POLICY

● Mr. ABDNOR. Mr. President, my colleagues are well aware of my efforts, as chairman of the Joint Economic Committee's Subcommittee on Agriculture and Transportation, to highlight the importance of agriculture to the Nation and to provide a focal point for consideration of policies in the best interest of agriculture in the long run.

One major thrust of those efforts is to assess the impacts, intended and incidental, of various tax policies upon agriculture as well as the fairness of those impacts and the effectiveness of those policies in achieving their intended purposes.

In that regard, I recently wrote a number of knowledgeable individuals, asking their assistance in formulating the pertinent questions to be addressed by the subcommittee in this important inquiry, and I would like to share with my colleagues and interested members of the public a few of the responses received thus far.

First of all, Prof. Harold F. Breimyer of the University of Missouri—Columbia was perhaps the most outspoken and direct in stating:

... for years I have deplored the negative effects of tax deductions. They overstimulate agricultural production; they transform agriculture from an economy that generates income from its productiveness to a tax shelter economy; and they are devastating to a proprietary owner-operator agriculture ... The farming community has been slow to recognize that the devices by which farmers minimize their tax obligations are a Trojan horse.

Chairman D. Gale Johnson of the University of Chicago's Department of Economics offers some pointed comments which appear in agreement with Professor Breimyer's "Trojan horse" theory:

... given the tendency of U.S. agriculture to increase production at a faster pace than the growth of demand is capable of providing a profitable outlet, it is clearly against the best interests of American farmers to have policies that encourage further investment in agriculture ... tax policies that encourage investment in agriculture serve not only to increase farm production but also reduce the demand for farm labor by encouraging the substitution of capital for labor ... It seems especially important that there be recognition that while some people gain from the tax provisions, the net effects include lower incomes for farm operators as a group and a substantial net cost to taxpayers.

Prof. Hoy F. Carman at the University of California and Dr. Mark A. Edelman at South Dakota State University both picked up on the "fairness" theme implied in Dr. Johnson's observation that the net effect of tax policies for most farmers is lower income.

Dr. Edelman commented on the notion that "a tax system should be neutral economically," and says, "I've always had a problem with this concept because what is neutral for one group is not neutral for another. There has been a big debate * * * as to whether tax policy favors large versus small producers * * * we cannot agree on what it means to treat small and large farms 'equally.'"

Reacting to statistics showing that total tax receipts would be higher if agricultural income were not subject to taxation at all but agricultural losses could not be deducted either, Professor Carman suggests, "It would seem to be useful from a policy point of view to learn about the characteristics of farm firms who pay taxes and those who do not."

Mr. Larry Lindsey from the Council of Economic Advisers has noted one way in which the leveraged purchase of farm land is treated more favorably for tax purposes than certain other investments, and he has suggested that it would not be unreasonable to impose a limitation on the interest deduction allowed on the purchase of farm land.

Speaking of leveraged farm land purchases, Mr. Lindsey says:

... a similar situation exists with the leveraged purchase of many financial instruments—equities which do not pay dividends and retain all earnings are a good example. The tax code has a good rule for ... financial instruments, however. The taxpayer is limited to an interest deduction ... equal to \$10,000 plus investment income. ... Why shouldn't the leveraged holding of farm land be subject to the same restriction as the leveraged holding of other assets?

No doubt, based upon their comments, Professor Breimyer and Chairman Johnson, at least, would agree with Mr. Lindsey's suggestion and would argue—despite Dr. Edelman's observations on the difficulty of establishing how to treat large and small farms equally—that most farmers would be better off if the interest deduction attributed to the purchase of farm land were effective capped.

If our Nation's tax policies are a Trojan horse and unfair to most farmers, they are indeed a disaster in many respects for taxpayers at large. Consider the comments of E. Gerald Corrigan, president of the Federal Reserve Bank of Minneapolis:

Though I am not an expert on agricultural taxation in particular, I do recognize the problems ... as part of a larger problem. The labyrinth of special exemptions and loopholes in our tax code constitutes a huge federal tax expenditure that complicates the task of coming to grips with our federal budgetary problems. As I have noted in our Annual Report, the sheer magnitude of aggregate tax expenditures may have unintended negative effects on the sectors they directly affect but also contribute, collectively, to higher deficits and interest rates.

The pertinent portions of Mr. Corrigan's annual report include the following:

In short, tax expenditures are an alternative to direct government spending, but they may also be thought of as foregone tax collections or a form of entitlement program in which the test of entitlement is any one of a myriad of possible circumstances. Regardless of how tax expenditures are labeled, to the extent they are increasing, they tend to add to the deficit and the Treasury's external financing requirements in much the same way as do direct spending programs and tax rate reductions.

... the growth and sheer size of tax expenditures speak for themselves. For example, in 1967, it is estimated tax expenditures were about 20 percent of federal outlays; by 1977, they were about 28 percent of outlays; and in 1985, they are expected to amount to an astonishing 40 percent of outlays. In 1985, federal outlays are expected to be about 24 percent of GNP. However, if tax expenditures are added to direct outlays, the combination amounts to 33 percent of GNP.

Thus, tax expenditures are now a major factor contributing to the overall federal budgetary problem and in the aggregate are larger than any single line item in the budget even though they do not appear directly in the budget. Indeed, while each individual tax expenditure was designed to serve some wholly reasonable public policy objective, the cumulative weight of all such expenditures is now a major element in the overall budget dilemma. Moreover, since these programs—via their impact on the deficit—may contribute to higher market interest rates, they can work at cross-purposes with their stated or implied objectives.

The cost to taxpayers alone is ample justification for a thorough and painstaking review of each and every deduction, credit, loophole, or tax expenditure—call them what you will—but it will be a cruel irony if we are forced to conclude that policies designed to help agriculture as a whole actually have proven detrimental to the vast majority of individual farm families in the long run.

It would be still crueler, however, if we failed to address these questions in an exhaustive and forthright manner. While the Subcommittee on Agriculture and Transportation has not yet concluded, as those who I have quoted here have, that our tax policies excessively stimulate agricultural production, promote overinvestment in farm assets, reduce employment in farming, lower incomes for farm operators as a group, and devastate the owner-operated, family farm system, I am dedicated to pursuing the subcommittee's inquiry to an effective resolution of these vital issues.

I welcome the input, guidance, and assistance of my colleagues as well as interested members of the public in this important endeavor. ●

PRIME MINISTER OZAL'S VISIT

● Mr. TSONGAS. Mr. President, it has come to my attention that Prime Minister Ozal of Turkey recently vis-

ited Col. Mu'ammār al-Qadhafi of Libya in Tripoli. Since Libya is one of the countries that the administration considers a terrorist state, I find the following text of their meetings quite disconcerting.

I submit for the RECORD the following statement:

FOREIGN BROADCAST INFORMATION SERVICE— MAY 29, 1984

A joint Libyan Arab-Turkish statement was issued today in both Tripoli and Ankara at the end of the visit paid to the Jamahiriyah by Turgut Ozal, Prime Minister of the Republic of Turkey, and the accompanying delegation. Here is the text of that statement:

At the invitation of Brother Staff Major 'Abd as-Salam Ahmad Jallud, the leader of the Motherland Party and Prime Minister of the Republic of Turkey, Turgut Ozal, paid a formal visit to the Socialist People's Libyan Arab Jamahiriyah 22-25 May 1984.

During the visit Brother Turgut Ozal was received by Brother Colonel Mu'ammār al-Qadhafi, leader of the Great 1 September Revolution. The Turkish Prime Minister conveyed to the brother leader greetings and wishes from his Brother Kenan Evren, President of the Turkish Republic. The two sides exchanged views and ideas on means of deepening and developing cooperation between the two fraternal countries, and also on the most important issues of the region and the Islamic world and the leading international issues.

At the end of the meeting the brother leader asked the Turkish Prime Minister to convey his greetings and wishes to president Kenan Evren of the Turkish Republic and confirm his acceptance of the invitation to visit Turkey. Official talks were held between Brother Staff Maj. 'Abd as-Salam Ahmad Jallud and Brother Turgut Ozal with the participation of the two countries' delegations.

Brother Staff Maj. 'Abd as-Salam Ahmad Jallud expressed his wishes for the success of the government of Brother Ozal. The two sides analyzed the most important issues and problems of the region in particular and on the international arena in general. They expressed their conviction of the need and importance of the unity and solidarity of the Islamic states. They agreed to exert joint efforts to achieve this end.

The two sides affirmed their stand by the side of the Palestinian Arab people for their liberation. They also condemned the Zionist occupation of Lebanon and declared their support for the struggle of the Lebanese Arab people for the independence and unity of all Lebanese territory.

At the end of the meeting, minutes of agreement were signed for the development of cooperation in economic, scientific, technical, and cultural fields between the two fraternal countries. ●

THE SENIOR COMPANION PROGRAM

● Mr. CHILES. Mr. President, volunteerism is an important American tradition. And nowhere is it more exemplified than in the Senior Companion Program. Because of its success in providing volunteer opportunities for older Americans, I am pleased to cosponsor Senate Concurrent Resolution

124 commending the Senior Companion Program on its 10th anniversary.

Currently, there are 76 local sponsors of Senior Companion Programs throughout the country. Through this program, low-income Americans over age 60 serve as senior companions for older adults in their own homes, in nursing homes, or in residential institutions. Senior companions receive a stipend of \$2 an hour and other benefits, including a meal, transportation, an annual physical examination, and insurance coverage. While the reimbursement is not much, the contribution made by these Senior Companion to their peers is invaluable.

Last week, 25 senior companions visited Washington to celebrate the 10th anniversary of the program. These individuals are special—they were original participants in the program when it first began 10 years ago. Mae Williams, 77, of Miami, was one of the original participants honored during the celebration. Mrs. Williams, who was accompanied to Washington by her granddaughter Barbara Williams, is sponsored by the Metropolitan Dade County Community Action Agency. She regularly visits three to five patients at a local nursing home, 4 hours a day, 5 days a week. Mrs. Williams escorts these individuals to nursing home and outside activities, helps them with personal needs and, most importantly, provides them with much needed and greatly appreciated companionship.

I would like to take this opportunity to thank Mae Williams and all the other senior companions for their contributions to their peers, as well as for keeping alive this great American tradition of voluntarism. I am pleased to join with my colleagues in cosponsoring Senate Concurrent Resolution 124 honoring the Senior Companion Program on its 10th anniversary. ●

A TRIBUTE TO JAMES J. WADSWORTH

Mr. MOYNIHAN. Mr. President, a few short months ago, the Nation lost James J. Wadsworth, an individual who served this country long and well. During his career, his considerable talents took him to the New York State Assembly, the Federal Communications Commission, and the American delegation to the United Nations. And in each post in which he served, James J. Wadsworth brought with him a considerable reservoir of intelligence and ability. With his death, we were all diminished.

I would like to share with my colleagues an obituary which appeared in the March 15 New York Times, and I ask that it be printed in the RECORD.

The obituary follows:

JAMES J. WADSWORTH DIES AT 78; HEADED
U.S. DELEGATION TO U.N.

(By Joseph B. Treaster)

James J. Wadsworth, a former chief American delegate to the United Nations, government administrator and New York state Assemblyman, died Tuesday at Strong Memorial Hospital in Rochester. He was 78 years old.

Mr. Wadsworth, a tall, affable man, retired from public life 14 years ago and since then had managed the 3,000 acres of dairy farm land in upper New York that his family cleared in Colonial days.

During Mr. Wadsworth's yearlong tenure as the head of the delegation to the United Nations in 1960, Nikita S. Khrushchev, the Soviet leader, demanded the resignation of Secretary General Dag Hammarskjöld and later stunned diplomats by waving one of his shoes and banging it on his desk.

Mr. Wadsworth rose to extemporaneously criticize Mr. Khrushchev's attack on the Secretary General and later told reporters that the Soviet leader's proposal that the office of the Secretary General be replaced by a three-member committee was "ludicrous."

WAS DEPUTY CHIEF 7 YEARS

Before succeeding Henry Cabot Lodge as the head of the United Nations mission, Mr. Wadsworth had served for 7 years as deputy chief of the delegation. In that time he was often a trouble-shooter in negotiations with the Russians. On one assignment he represented the United States in talks that led eventually to a partial ban on nuclear testing.

In 1965 President Johnson appointed Mr. Wadsworth to the Federal Communications Commission.

When he resigned in 1970, to join the American team negotiating a charter for the International Telecommunications Satellite Consortium known as Intelsat, an article in *The New York Times* characterized him as "an unpredictable maverick" on the Commission.

He had cast the key vote in the first case in which the FCC ever denied renewal to a major television licensee, and he later joined a bare majority to withhold renewal for a second licensee.

After his work on the Intelsat charter, Mr. Wadsworth returned to the family property outside Rochester in the town of Geneseo, a community founded by the Wadsworths in 1790.

'BLESSED WITH A HEAD START'

In 1980 he published at his own expense an autobiography called *The Silver Spoon*, in which he said in the introduction that the title was "a somewhat wry admission that I have been considered all my life as a rich person descended from rich people, and thus, blessed with a head start over most of my contemporaries."

A grandfather, James W. Wadsworth Sr., commanded a division of the Union Army at Chancellorsville and Gettysburg and was mortally wounded in battle. His father, James W. Wadsworth Jr., was a speaker of the New York State Assembly, a United States Senator and member of the House of Representatives. His grandfather on his mother's side, John Hay, was President Lincoln's private secretary during the Civil War and later was Secretary of State.

James Jeremiah Wadsworth was born on June 12, 1905 in Groveland, N.Y. He played varsity football and baseball at Yale University and after graduating in 1927 with a

bachelor's degree worked on the family farm.

In 1931, at the age of 26, he ran successfully for the New York State Assembly and served there for a decade. In the Depression era he became an acknowledged expert on relief problems, heading a committee that devoted 3 years to studying the problems of unemployed men over 40.

He was rejected for military service in World War II because of a bad leg and went into defense work, joining the Curtiss-Wright Corp. plant in Buffalo and serving as assistant manager of industrial relations.

AN ACCOMPLISHED PAINTER

In 1950 Mr. Wadsworth became deputy administrator of the civil defense office of the National Security Resources Board. His office drafted many of the civil defense plans that became standard practice.

Mr. Wadsworth was an accomplished painter who, because of his primitive style, was sometimes referred to as "Grandpa Moses."

He is survived by his second wife, Mary Alphin Wadsworth of Geneseo; a daughter, Mrs. Alice Wadsworth Strong of Marberth, Pa.; a stepdaughter, Mrs. Jean D. Ogilvie of Bethesda, Md.; a stepson, Scott W. Donaldson of Geneseo; five grandchildren, and three step-grandchildren.

A private funeral and burial will be held Friday morning in Geneseo with a memorial service at 2 p.m. Friday at the Central Presbyterian Church in Geneseo.●

HIGH SPEED RAIL COMPACT

● Mr. HEINZ. Mr. President, yesterday the House passed H.R. 4308, a bill introduced by Representative Joe KOLTER of Pennsylvania to grant the consent of Congress to a compact between the States of Pennsylvania, Ohio, Indiana, Michigan, and Illinois for the preparation of a feasibility study for the development of a system of high speed intercity rail passenger service. I commend Congressman KOLTER for this expeditious action.

I have introduced similar legislation in the Senate, S. 2564, the High Speed Rail Act of 1984, along with my colleagues, the Senator from Pennsylvania [Mr. SPECTER], the Senator from Ohio [Mr. GLENN], the Senators from Michigan [Mr. RIEGLE and Mr. LEVIN], and the Senators from Illinois [Mr. PERCY and Mr. DIXON]. I have requested, with the consent of the chairman of the Judiciary Committee, that H.R. 4308 be held at the desk for passage by the Senate. I thank Senator THURMOND for his courtesy in this matter.

The High Speed Rail Act of 1984 will give Federal consent to the High Speed Rail Compact between the States of Pennsylvania, Ohio, Indiana, Illinois, and Michigan, enabling this compact to undertake feasibility studies for a high speed rail system linking Philadelphia and Chicago, stopping in such major cities as Pittsburgh, Cleveland, Detroit, and Indianapolis. High speed rail passenger service is a proven success throughout Europe and Japan, and studies are currently underway for possible systems in Florida, Texas, California, Louisiana, and Mississippi.

These feasibility studies are essential, given the magnitude of the capital costs and potential economic benefits; State and local government officials and private investors must consider these impacts to determine whether the substantial investment needed for high speed rail passenger service is warranted.

Preliminary reports have shown that a high speed rail system in Pennsylvania would have very favorable economic consequences. As many as 45,000 construction jobs and 9,800 permanent jobs could be created in connection with a high speed rail system between Pittsburgh and Philadelphia. Similar economic benefits would be found in the construction of high speed rail systems in the other compact States.

Several years ago, the Congress established a panel to study America's future transportation needs. The panel, composed of both Senate and House Members as well as transportation leaders, worked with a technical staff for several years as the National Transportation Study Commission. The final report by the Commission predicted that the United States will almost double its present infrastructure for passenger travel by the year 2000. Currently, only one-tenth of 1 percent of all passenger travel in America is by train. If we are to meet the travel needs predicted by the National Transportation Study Commission, the first priority should be the development of our rail system.

High speed rail envisions a new type of railroad passenger service. The trains, traveling at speeds in excess of 150 miles per hour, would produce competitive traveltimes for regional trips. High speed rail lines will become the favored transportation of the future for medium-range trips, moving people along the Nation's densest population corridors more efficiently and conveniently than airlines or private autos. The French high speed rail system, *Tres Grande Vitesse* [TGV], set a world speed record in 1981, moving at 236 miles per hour. A high speed rail line between Philadelphia and Pittsburgh would move as fast as 185 mph and the trip would take 2 hours, 15 minutes; by air, adding transportation to and from the cities' downtowns, it takes about 2½ hours; driving, it takes about 5½ hours; and conventional trains take about 7 hours.

As I mentioned, this network will not only provide the transportation system necessary for future growth in our region, but it will also deliver benefits related to its planning and construction. The five States will supply the components, services, and labor for the project, boosting the local construction and manufacturing industries.

According to a preliminary study conducted for the Pennsylvania High Speed Intercity Rail Passenger Commission, Pennsylvania industries could experience a direct increase of \$1.6 billion to \$2.5 billion in expenditures for their goods and services, depending on the type of technology and the level of service provided. In addition, these direct effects, according to the study, would stimulate further multiplier effects as successive rounds of spending occur within the economy. The total economic benefits to the State of Pennsylvania during the construction period would be almost three times the amount of direct effects, as much as \$7.5 billion.

Once operational, the high speed rail network will bring downtown revitalization for those cities along the line and the potential for enhancing the attractiveness of local businesses. The improved accessibility that would be offered by high speed rail service may attract service-oriented businesses to locations in the vicinity of stations. The transportation improvement provided by high speed rail service, and perhaps even advanced technology for rail freight service, could enhance the competitive position of industries in these States and make them an attractive place to locate new businesses. This would mean new investment and increased demand for goods and services from the States of Pennsylvania, Ohio, Michigan, Indiana, and Illinois.

As envisioned, the establishment of a high speed rail system would be privately financed and operated on a profit-making basis. The project will only be undertaken if it can be demonstrated that solid market potential to support high speed rail lines exists. This legislation officially recognizes the compact between the five States by Congress; the compact itself has been in existence for the past 2 years. It is essential that Federal agencies be in a position to contribute to the extensive planning efforts which are being conducted in these States. Two years ago the Congress authorized a high speed rail compact between the States of Louisiana and Mississippi for similar feasibility studies to be conducted; Alabama has subsequently been added to the compact. This is all part of a broad partnership between the Federal and State governments and private companies to encourage new rail systems. The development of the high speed rail line will depend on private investment much as did the original development of America's railroads in the last century.

The vast resources of the Federal Government must also facilitate this effort, in a planning and support role, complementing the State and private capital investment in various systems. I am confident that this partnership will be successful, and I urge unani-

mous consent to the passage of H.R. 4308.●

JOHN KNECHT IS 100

● Mr. ABDNOR. Mr. President, today in Rapid City, SD, one of South Dakota's premier housing experts is celebrating the centennial of his birth.

John Knecht is a pioneer in the truest sense and his biography ranks with the best of the Horatio Alger stories. He has persevered through good years and bad—went broke at age 45, started a family business at 47, became a millionaire at 68—mostly by working hard 12 to 16 hours a day, 6 days a week, serving his customers through his expertise and by providing them with good building materials.

Knecht Industries has its foundation like many other institutions and industries in South Dakota in sod buildings. John Knecht grew up in four different sod houses and went to school in a sod structure. Knecht Industries which began as a lumber yard, expanded into Macon, Inc., Housing Unlimited, Inc., Knecht Bros. Partnership, Western Dakota Construction, Inc., and Sheridan Heights, Inc., the latter firm involved in managing properties. His sons and grandchildren direct the operations today.

In 1973, John Knecht responded to an inquiry on sod house construction. His letter says a good deal about pioneer attitudes and perseverance and as a salute to this good friend on his centennial, I would like to share his observations with my colleagues.

The letter follows:

JULY 10, 1973.

SOD HOUSE SOCIETY,
Colby, KS.

DEAR SIR: I noticed in a recent issue of the Rapid City Daily Journal that your society is gathering data on sod houses. I spent a great deal of my younger years living in sod houses and thus furnish you with the following information:

I was born June 20, 1884 in Cayuga, Illinois—a small town near Pontiac. Our family moved to Ord, Nebraska in 1886. In 1890, my father, George Knecht, and my mother traded their hotel and bakery for a 160-acre farm, located 3 miles southeast of Ord. Because there was no house on the farm, we lived the first year in a dug-out belonging to Frank Hewitt and survived mostly on beans that had been planted by the former owner of our farm. The floor and roof of Hewitt's dug-out were dirt, with walls nearly 2 feet thick, providing excellent insulation from the heat and cold.

It was about 1 mile from here that I attended the Pigman School which was 14 miles north and a little east of Ord, Nebraska in Valley County. The school house was a 16 by 20 foot sod house with a board roof covered with tarpaper and topped with sod. It had a hard packed dirt floor and the teacher was placed in the center of the room on a 4 by 6 foot wood platform with a small homemade table and kitchen chair. The students sat on board benches 12 inches wide placed all the way around the room, so that we could lean against the sod walls. Our books and slate were kept beside us on

the bench because we had no desk or table to put them on. No plaster, either inside or out, was used in the construction of the Pigman School.

The next year, 1891, we built a new sod house on the homestead. This house had a wood shingle roof, was plastered with clay mud and straw to hold it together and whitewashed inside with lime and skim milk. The upstairs had a garret room made of 12 inch rough boards. The dirt floor was cared for by shaving off the grass about two inches from the top. It was then wet lightly, let dry a little and swept with a regular broom to get rid of the loose dirt. Each week it was again sprinkled and swept until the dirt formed a hard crust on it that could not be dented by the heavy furniture legs. After a couple of months, the floor was properly set and resembled a cement floor, though not as hard. If our shoes were caked with mud or cow manure, we were expected to take them off outdoors before walking on the floor. The family lived in this sod house, with no changes, until 1899.

The summers of 1894 and '95, during the severe depression in Nebraska, I worked for 18 months at \$5 per month for the Hurlburt family. I cannot recall the man's first name, but I do remember that they had a son, Frank, and a Daughter, Bertha. Their homestead was 20 miles east of Burwell, Nebraska.

They also had a Kingkade Homestead, used for summer pasture, 10 miles north of their homestead in the middle of the Nebraska Sand Hills. I was given 2 horses, 1 dog and 75 head of cattle and sent to this summer pasture for a 3 month period. The house was made of sod, with dirt floor and dirt roof so prairie fires would not be so great a threat. The house was 10 by 12 foot and equipped with a 2 hole topsy wood stove for cooking. Cow chips were used for fuel because there was no wood for miles. The nearest neighbor was 8 miles away, so the only people I saw during my 6 months with the cattle were the Hurlburts who brought me food every 10 days or so. This place was in Garfield County, 12 miles northwest of Erickson, Nebraska.

I also recall the depression prices of 1897 when we sold ear corn for 7¢ a bushel, hogs sold for \$3.50 per hundred pounds and three kinds of coffee—Lyon Head, XXXX and Arbuckles—was available at 7¢ per pound.

As a bachelor in 1905, I acquired my own homestead five miles northeast of Gregory, South Dakota. There, I built a 12 by 16 foot sod house with dirt floor. The roof was board, covered with tarpaper and topped with sod. The door was made of shiplap with strap barn door hinges. The only lock was the screen door latch because there was no way to lock the inside door. The only windows were 10 by 12 inch four light barn sash. This homestead shack was not plastered inside or out and the total cost for material was less than \$100. I lived in this house for approximately two years and during that time, worked for a lumber yard at Gregory, South Dakota.

In 1907, I proved up as a homesteader and sold my sod house and the surrounding land for \$5600.

December 18 of that same year, I married Edna M. Clem and four sons were born of this marriage. In 1928, I moved my young family to Rapid City, South Dakota and bought a small lumber yard to operate as a family enterprise. Incorporated as Knecht Industries, it has now become a multi-million dollar building materials, housing and land development sales operation. Married

now for 66 years, my wife, Edna, and I are both in good health.

I hope the enclosed information will be helpful to you. If you have other questions, I will be glad to try to answer them for you.

Sincerely,

JOHN KNECHT.●

PAPAL ASSASSINATION INVESTIGATION

● Mr. D'AMATO. Mr. President, I rise today to call my colleagues' attention to a significant event in the Italian investigation into the May 13, 1984, attempted assassination of Pope John Paul II. On May 8, 1984, State Prosecutor Antonio Albano filed his report on the investigation in court, requesting the indictment and trial of three Bulgarians and six Turks for conspiring to assassinate the Pope.

This is a major step toward resolution of the questions surrounding the attempted assassination. It marks the conclusion of the investigative phase. Now, Judge Ilario Martella must review the prosecutor's report and the defense attorneys' rebuttal, and decide if the requested indictments should issue so that trials may proceed.

The prosecutor's report is very strong. It supports the conclusions I reached after my February 1983 visit to Italy to look into our role in the investigation. Its key point is that Mehmet Ali Agca, the failed assassin who was convicted for his deed, was hired by the Bulgarian Secret Service to commit this monstrous crime.

It finds that the motive for the crime was to weaken Poland's solidarity movement, stating that:

Some political figure of great power took note of this most grave situation (in Poland) and, mindful of the vital needs of the Eastern bloc, decided it was necessary to kill Pope Wojtyla.

The clear implication is that this "political figure of great power" was a high official of the Soviet Union, possibly Yuri Andropov, who was the Chief of the KGB when this conspiracy was hatched.

This report was the subject of a lengthy and detailed article appearing on the front page of the Sunday, June 10, 1984, edition of the New York Times. This article, by the distinguished author and freelance journalist Claire Sterling, produced an astonishing lack of response in the mass media. While we debate issues of war and peace involving the Soviet Union, somehow this story received only cursory coverage. Yet, the conclusions of the Italian investigation should weigh heavily in our deliberations as we consider courses of action we may follow in our national security policy and our relations with the Soviet Union.

The people of the world have the right to know—did the plot to kill the Pope originate in the Kremlin? Is Pope John Paul II's blood on the hands of not just the Bulgarian Secret

Service, but the KGB as well? The world's media should be seeking the answers to these questions. However, except for a handful of courageous and expert journalists, the story of this investigation has been ignored. In this climate, the New York Times' publication of the Claire Sterling article is all the more remarkable as an act of responsible journalism, and I commend the Times for it.

This issue was discussed at length by Suzanne Garment in her "Capital Chronicle" column in the June 15, 1984, edition of the Wall Street Journal. This column, entitled "Soviet Connection: How Much Proof Do We Need?" deserves our attention. In it, Ms. Garment discusses both the media's and the Government's resistance to the Italian investigation's conclusions and the necessary policy consequences which must flow from them.

Mr. President, I ask that Ms. Garment's article be printed in the RECORD at this point.

The article follows:

SOVIET CONNECTION: HOW MUCH PROOF DO WE NEED?

(By Suzanne Garment)

"No, I haven't heard anything," said a senator much involved in foreign affairs. "Maybe it's because I've been absorbed in the defense appropriation." An aide to Sen. Claiborne Pell (D., R.I.) allowed, "He hasn't been following this one particularly closely." Stuart Eizenstat, a former high Carter administration official and now a Washington lawyer said, "I've been on the Hill since the story broke. I've been talking to senators and representatives. The staggering thing is that this has not had any major impact."

These local citizens were talking about Washington's reaction to the huge front-page story by free-lance journalist Claire Sterling in last Sunday's New York Times. Ms. Sterling had gotten hold of a still-unreleased report by Italy's state prosecutor concluding that the Bulgarian government had indeed hired and controlled the man who shot the pope.

Her news was a shocker. True, from the day three years ago when a Turkish gunman struck down John Paul II in St. Peter's Square, a few writers and reporters had pursued the "Bulgarian Connection." Ms. Sterling was one. So was Marvin Kalb, chief diplomatic correspondent for NBC News. Mr. Kalb remembers that while he worked, some American intelligence officials undertook "a deliberate, sustained effort to undercut the validity of the story." And the foreign-policy establishment voiced sophisticated doubt: The Russians would never run such a sloppy operation and risk making a martyr of the pope.

Now, with the prosecutor's report, the Italian judicial system is moving quite deliberately toward confirmation of the worst suspicions about the Bulgarian role. The report leaves little doubt that the Italians also believe the Soviets ultimately pulled the strings. Mind you, this is from Italians—no American hawk paranoids but instead people who live with a new government it seems every 30 days. You simply cannot doubt their word.

For the first time we cannot avoid the full horror of what the Soviets have done. They

shot the Pope. This was not just stealing an election in some Godforsaken place or jabbing a poor slob in the leg with a poisoned umbrella or slipping a venom cocktail to some miserable Third World leader whom no one would ever miss. This was the actual Pope, symbol of God's spirit through time on earth not only in theory but even occasionally in fact. How are we to deal with a regime that no longer fears to commit such a crime?

Washington seems to entertain none of these large worries. Since the report is not yet official the Reagan administration cannot make much of an official response. But as late as this week, Mr. Kalb reports, some American intelligence types were still saying that the assassin was "controlled" for the purpose of running drugs into Western Europe but shot the Pope on his own.

Michael Ledeen, a foreign-policy scholar and consultant to the State and Defense departments, is a longtime exponent of the Bulgarian connection. He expressed no surprise this week that parts of our government should resist the implications of the news about the Pope. The trouble was not just ideological: Even some hawks had always maintained that the formidable Russians would not run an operation as inept as the one that wounded the Pontiff.

For some time, he explained, our government has not been good at gathering the type of information crucial to this case. The shooting was characterized as a domestic matter and investigated by the Italian judicial system, not by an intelligence agency with which our agents have many contacts. Our people did not know enough to be convinced of the Bulgarian plot, and our high government officials are reluctant to challenge the judgment of their own troops. By now our people have developed a stake in their own theories and a typical case of bureaucratic resentment. They've become stubborn customers.

An editor of a national news magazine said he had heard just about nothing in the wake of the Times story and pointed to structural reasons why the press, too, was keeping quiet. There was no conspiracy, but journalists will always denigrate a story they didn't get first. "Oh, they'll say, 'we already knew that.'" There was also an ideological component. The theory of Bulgarian involvement had bloomed mainly in the right-wing press. This devalued the story in the eyes of establishment journalists. "They think it's a version of Redbaiting, and that they're much too sophisticated for such things," the magazine editor said.

Kenneth Adelman, head of the Arms Control and Disarmament Agency, has also come across a lot of silence: "The pope story arouses no self-doubt in true arms controllers. They just keep repeating that we and the Soviets have a common stake in preventing nuclear war. But dialogue doesn't moderate Soviet behavior. I've actually made up a chart for the years 1972 through 1979, showing how we keep talking to them and they keep right on doing unpleasant things. We sign SALT I and they ship new weapons to North Vietnam; we sign SALT II, they put a brigade in Cuba. Are there any circumstances under which we're finally supposed to say 'no'?"

Students of American foreign policy today all read the work by Roberta Wohlstetter telling how America ignored the warning it got about the impending Japanese attack on Pearl Harbor. The information was lost among too many messages and too much clever explaining away. So far, the Bulgari-

an story here is sinking like a stone, and we can see clearly how our foreign-policy elite's routines and assumptions conspire to keep it at the bottom of the lake.

Mr. D'AMATO. Mr. President, so that those of my colleagues who may not have seen Claire Sterling's original article may have the opportunity to review Mr. Albano's official conclusions, I ask that Mrs. Sterling's article appear in the RECORD at this point.

The article follows:

BULGARIA HIRED AGCA TO KILL POPE, REPORT OF ITALIAN PROSECUTOR SAYS

PLOT WAS EFFORT TO WEAKEN SOLIDARITY MOVEMENT, OFFICIAL SAYS IN HIS REQUEST FOR 9 INDICTMENTS

(By Claire Sterling)

BONN, June 9.—An Italian state prosecutor has filed a report in court saying that the Bulgarian secret services recruited the man who shot Pope John Paul II in 1981 in a plot to weaken the Solidarity movement in Poland.

The rise of the Solidarity labor union in Poland "and consequent social convulsions," the report says, were "perceived as a mortal danger" to Eastern Europe and were "mostly due to the fervid religious faith of the population, sustained and helped above all by the first Polish Pope in history."

These conclusions are in a 78-page report by State Prosecutor Antonio Albano, who is the equivalent of a district attorney. The report is based on some 25,000 pages of documentation gathered by Judge Ilario Martella in his investigation of the attempt to assassinate the Pope.

The report, which was filed in court May 8 and is still officially secret, asks for the indictment and trial of three Bulgarians and six Turks for conspiring to assassinate the Pope. The Turks include Mehmet Ali Agca, who has been convicted of shooting the Pope on May 13, 1981, in St. Peter's Square.

Under Italian law, the report cannot be made public until Judge Martella issues his own comprehensive report, which is expected next month, when he rules whether there is to be a trial. The Prosecutor's report is not binding on the judge, but it is based on the same material the judge will use in his report. There has been virtually no public disagreement between the Prosecutor and the judge on the case, and most people think the report faithfully reflects the judge's views.

The prosecutor's report, which has come into my possession, makes these additional points:

Although the K.G.B., the Soviet intelligence and internal security agency, is not mentioned by name, the report, speaking of the turmoil in Poland, says "some political figure of great power took note of the most grave situation and, mindful of the vital needs of the Eastern bloc, decided it was necessary to kill Pope Wojtyla."

Mr. Agca was promised more than \$400,000 by the Bulgarians to kill the Pope but has not received it.

The man who was supposed to help Mr. Agca escape was spirited out of Italy in a sealed diplomatic truck of the Bulgarian Embassy. The truck was sent to Bulgaria under a diplomatic procedure not used before or since by the Bulgarians. Since then no one has reported seeing the man, Oral Celik, a leader of Turkey's neo-Nazi Gray Wolves and a close friend of Mr. Agca.

Mr. Agca did not start to confess until a year after the shooting. He apparently con-

cluded that he had been abandoned by the Turks and Bulgarians who he thought would manage to obtain his freedom.

The authorities think Mr. Agca's testimony against the Turks and Bulgarians is accurate, despite his earlier lies, because such a preponderance of the details he provided have been independently confirmed in the investigation.

First report of findings

Although the Prosecutor's request for indictments has been reported, the broad outlines of the judge's findings are presented here for the first time.

They point to an elaborate conspiracy involving the Gray Wolves, the Sofia-based Turkish Mafia and, in the Prosecutor's words, "organs and institutions of the Bulgarian state."

The three Bulgarians facing indictment—Sergei I. Antronov, Todor S. Aivasov and Zhelyo K. Vasilev—were all operating in Rome when the Pope was shot. They are described as "agents of the Bulgarian secret service." Evidence also shows active involvement by the Bulgarian Embassy.

The confession of Mr. Agca, the Turkish gunman, also implicated the others who face indictment—Bekir Celenk, Omer Mersan, Musa Serdar Celibi, Omer Bagci and Mr. Celik, the man who was supposed to help Mr. Agca escape. Mr. Agca, is described as "a despicable mercenary" and a liar. Nevertheless, the core of his confession seems to have stood up under severe magisterial scrutiny.

Agca is convincing

"Every declaration of Agca's, every circumstance and detail, was checked and investigated," the report says. In the end, "Agca is convincing in his reconstruction of the crime."

Since Mr. Agca started to confess in May 1982, Bulgaria in particular has branded him a pawn in an imperialist plot against the Communist East, coached in prison by the Italian security services or the United States Central Intelligence Agency or both. Prosecutor Albano dismisses this as "archaic cold war propaganda."

"Nothing I repeat, nothing—supports this theory," the Prosecutor adds. Speaking of the Italian security services, he says: "Agca had one sole meeting with the services, authorized in December 1981. He gave vague, uncertain and irrelevant replies to his visitors, who were utterly ignorant of the facts."

It was not until five months later that Mr. Agca "began spontaneously to collaborate with Italian justice." What follows is the State Prosecutor's description of the evidence found as the court's investigation proceeded. The narrative is based directly on his text, and the quoted matter is the language in his report. My own remarks appear in brackets.

MURDER OF AN EDITOR IN TURKEY SETS STAGE FOR AGCA TO SHOOT THE POPE

The Italian investigation began with the premise that Mr. Agca "did not act alone"; "was not mentally infirm but psychologically lucid and composed"; was "possessed of lively intelligence and savage criminal instincts," and was "the material executor of a broader conspiracy, conceived, decided upon, organized and perfected by other people elsewhere."

The behavior of this intelligent and lucid man of 23 baffled Italian interrogators from the start. Always insisting that he had acted alone, he showed no interest in striking a bargain with them, deliberately misled them

or remained silent, refused to testify at his own trial and above all refused to appeal his life sentence. His "boastful indifference" to a lifetime behind bars seemed beyond understanding.

The key to this behavior would be found in Turkey.

For some years before fleeing his country in 1980, Mr. Agca earned "lucrative sums" by smuggling "arms, cigarettes, drugs, anything." His most powerful chiefs were, to use the terms used in Turkey, the Godfather of the Turkish Mafia, Abuzer Ugurlu, and the equally high-ranking Mafia boss Bekir Celenk, who were partners with different areas of responsibility in the underworld. For the most part, "this contraband passed through Bulgaria."

Agca was not disturbed

Having been "trained in Syria," Mr. Agca felt "professionally efficient and ready for criminal and terrorist action." The same went for his friends in the Gray Wolves, the armed branch of the ultranationalist National Action party and the dominant terrorist force of the extreme right. These friends included Oral Celik, Abdullah Catli and three or four others on the fringes of this case, all pushing drugs or running guns for the Turkish Mafia as well.

On Feb. 1, 1979, "on orders from the Turkish Mafia—that is, Abuzer Ugurlu—Agca participated in the murder of the Turkish editor Abdi Ipekci" for reasons that have never been ascertained. He was picked up the following June after an anonymous tip to the police.

"Agca was not disturbed. He promptly declared that he was the sole assassin and so maintained until the end of October 1979, when he threatened to identify his accomplices." He thereupon escaped from Istanbul's impregnable Kartal-Maltepe military prison, "walking calmly out the front door, thanks to the power of money and efficiency of the Mafia."

The Ipekci case "became Agca's operative model for safety from punishment." Eighteen months later, he would "show up in St. Peter's Square in the insolent certainty that, even if arrested, he would get away with it."

In fact, Mr. Agca used the same procedure after his arrest in Rome, "saying he acted alone, offering a congeries of motives and illogical, unverifiable circumstances and sending cryptic messages to his accomplices and patrons." Among these last was his announcement in July 1981 of a hunger strike to come to the following December, the same five-month period that elapsed between his arrest and escape from prison in Turkey.

In substance, he was giving his patrons to understand, indirectly but clearly, that he expected to be liberated, "by escape or exchange with some kidnapped Italian hostage or subversive plans for noisy terrorism beginning elsewhere and ending up at Ascoli Piceno," where he was held in solitary confinement.

Seen in that light, his early behavior in prison was plausible. So long as he expected to be liberated, his overriding concern was to protect his patrons. That explained his refusal even to appeal his life sentence lest the appeal lead to deeper judicial investigation.

"But Italy wasn't Turkey, and Ascoli Piceno wasn't Kartal-Maltepe. Agca, who had fired solely for money, had not even received the conspicuous sum agreed upon. He began to understand that nothing would

come of all the promises, that he was alone and abandoned by all and had traded his life for nothing."

After a year, Agca talks

That was when he began to talk, exactly a year after his arrest.

While Mr. Agca had undoubtedly harmed himself by telling so many tall stories, that did not necessarily ruin his credibility. "Can we dismiss him solely as a vulgar liar because he did not tell the complete truth at once?" the Prosecutor asks. "We must keep in mind that he was trying to bargain for his freedom with three interlocutors at the same time: his Turkish accomplices, his Bulgarian accomplices and Italian justice."

For all his erratic assertions and retractions, Mr. Agca's continuing confession "was coherent and firm in the substance of the charges he made" regarding his main accomplices: the Turkish Gray Wolf leaders Oral Celik and Musa Serdar Celibi, the Turkish Mafia boss Bekir Celenk and the Bulgarian nationals Sergei I. Antonov, Todor S. Alvasov and Zhelyo K. Vasilev. The Prosecutor has not asked for the indictment of the other Mafia boss, Abuzer Ugurlu, who is under indictment in Turkey in the Ipekci case.

"Their roles and behavior, closely connected to the plot, have never been modified or altered. Changes and contradictions in Agca's statements involved minor details and superfluous indications of times and places, which never affected the relevant aspects of the case."

PLANS ARE MADE AT MEETINGS IN BULGARIA ON HOW TO ASSASSINATE THE POPE

This is the substance of the story Mr. Agca told, borne out by independent witnesses and verifiable evidence.

In the first days of July 1980, "with a false Indian passport in the name of Yoginder Singh procured by Abuzer Ugurlu," the Mafia boss, Mr. Agca went to Sofia, Bulgaria. "An obliging functionary at Turkey's frontier in Kapikule waved him through" and he "entered Bulgarian territory without particular controls or formalities."

At once upon his arrival—"as he was advised to do in Turkey"—Mr. Agca looked up a fellow Turk named Omer Mersan in Room 911 of the Hotel Vitosha.

[Mr. Mersan's name was the only one Mr. Agca volunteered in his first Italian interrogation, along with the name and phone numbers of the Vardar Export-Import Company, which employed Mr. Mersan in Munich. According to Mr. Agca at that time, Mr. Mersan was "tied to people involved in the black market on a vast scale in Turkey." But no evidence to that effect would come to light until some two years later. Questioned by the West German police in those first weeks, Mr. Mersan confirmed his meeting with Mr. Agca in Room 911 of the Vitosha but denied helping him in any way or even knowing his true identity. He was released within 24 hours. C.S.]

During his stay in Bulgaria, Mr. Agca was in fact helped in several ways by Mr. Mersan, "a wheelerdealer agent extremely well-connected with the Bulgarian authorities, dedicated to a traffic of arms, drugs and contraband of all kinds."

Contacts are established

It was Mr. Mersan who "reserved Agca's room at the Vitosha, gave him money on the orders of Abuzer Ugurlu and furnished documents permitting his sojourn in Sofia. Mersan also put him in contact with Bekir Celenk, a potent Turkish Mafia boss."

Mr. Celenk in turn then arranged a meeting toward the end of July 1980 between Mr. Agca and a "Sotir Kolev," an agent of the Bulgarian secret services and a functionary of the Bulgarian Embassy in Rome. This was Mr. Alvasov, the embassy's treasurer.

Mr. Agca's close friend Oral Celik, also in Sofia by then, took part in that and three or four other such meetings in the Bulgarian capital.

During these meetings with "Kolev" that summer, agreement was reached on the "conceptual, organizational and contractual bases for the assassination of Pope Wojtyla, to be carried out in the spring of 1981."

The motive centered on Poland. "The Bulgarian secret services had a specific political interest in killing Pope John Paul II. The imposing rise of Solidarity in Poland in the summer of 1980 and consequent social convulsions constituted a most acute crisis for the socialist states of Eastern Europe. This was perceived as a mortal danger to their political cohesion and military strategy. And since Poland's ideological collapse was mostly due to the fervid religious faith of the population, sustained and helped above all by the first Polish Pope in history, the Polish rebellion might be greatly weakened and fragmented" by this Pope's "physical elimination."

Secrets wrapped in secrets

"As this is no mere rhetorical exercise but the history of our times, it is easy to see what really happened," the State Prosecutor says. "In some secret place, where every secret is wrapped in another secret, some political figure of great power took note of this most grave situation and, mindful of the vital needs of the Eastern bloc, decided it was necessary to kill Pope Wojtyla."

[The report does not answer the question of whether or not the Soviet Union was involved. This is as close as it comes. C.S.]

The machinery of the plot would be set up like this:

"1. Through Bekir Celenk—bound to the Bulgarian services faithfully and for self-interest by reciprocal illegal activities—the Bulgarian services contracted with the Turkish terrorists Agca and Oral Celik for the organization and execution of the plan."

"2. The Bulgarian secret service was committed to:

"a. Payment, through Bekir Celenk, of three million deutsche marks (roughly \$1.25 million. C.S.), to be evenly divided between Agca, Celik and the leader of the Turkish Gray Wolves' Federation in West Germany, Musa Serdar Celibi. Closely tied to Oral Celik as a fellow Gray Wolf, Celibi was also associated intimately with the Mafia boss Bekir Celenk."

"b. Safe and undisturbed refuge in the Bulgarian port of Varna, on the Black Sea."

"c. Arrangements and facilities for flight, for Agca and Celik, through immediate departure from Italy by TIR truck or diplomatic vehicle." Trucks with TIR registration are bonded and can pass through customs points in Europe with a minimum of checking.

Plan is set in motion

From the end of July to the first days of August 1980, Mr. Celenk, the Mafia boss, met with Mr. Agca and Mr. Celik. On Mr. Celenk's instructions, Mr. Agca telephoned from Sofia to the Gray Wolf leader, Musa Serdar Celibi, in Frankfurt, to set the plan in motion.

In effect, he was arranging to rent Mr. Celibi's organization, whose services in Europe

would provide him with safe houses, protective cover, security, intelligence-gathering and small amounts of cash when needed.

Mr. Celenk left Bulgaria early that August. "Kolev," Mr. Alvasov, returned to Rome at the end of the month.

On the night of Aug. 30, 1980, Mr. Agca met Mr. Celik and another Gray Wolf associate named Abdullah Catli—a lieutenant of the Godfather, Mr. Ugurlu—near the Turkish border post at Kapikule. Mr. Catli gave him a counterfeit passport, regularly stamped, in the name of Faruk Ozgun, and Mr. Agca boarded a tourist bus for Yugoslavia.

FOR 9 MONTHS, AGCA TRAVELS IN EUROPE AND OBTAINS THE PISTOL HE WILL USE

Over the next nine months, Mr. Agca wandered back and forth across Europe, seemingly without purpose. Reportedly, he was covering his tracks. Between holiday jaunts and evenings at discos, he was setting things up "for an attack as simple as taking candy from a baby. Firing some shots at the Pope in St. Peter's Square during a public audience was laughably easy."

Almost everything up to the moment of the shooting would be virtually untraceable later: phone calls, verbal agreements, meetings on the street, in bars, homes, restaurants and railroad stations. It was in arranging for safe flight afterward that the plan broke down.

When he reached Rome in November 1980, Mr. Agca's first step was to call the Bulgarian Embassy as arranged and meet "Sotir Petrov." This was Mr. Vasilev, secretary to the military attaché.

Mr. Vasilev, already told of the plans made in Sofia, was running the show in Rome. Among other things, he would take care of Mr. Agca's financial needs until the day of the shooting, five months afterward. [He is said to have spent the better part of \$50,000 during that period. C.S.]

Frequent meetings in Rome

In November, December, January, April and May, Mr. Agca met frequently with Mr. Vasilev: at Rome's Hotel Archimede, Doney's cafe on the Via Veneto, the Piccadilly Bar in Piazza Barberini and an apartment at 36 Via Galiani belonging to Mr. Alvasov, the "Kolev" he met in Sofia.

There, along with Mr. Alvasov and Mr. Vasilev, Mr. Agca met "Bayramic," who was Mr. Antonov, deputy director of Bulgaria's Balkan Air in Rome. All three were secret agents, but Mr. Antonov was plainly a subaltern who "took his orders from Vasilev."

[Mr. Antonov's arrest in Rome on Nov. 25, 1982, has inevitably focused public attention on him alone. Skeptics have argued that he looks a most unlikely master spy, and it now seems clear he was not, that he just happened to be caught while his superiors made their way back home. C.S.]

During one or more of Mr. Agca's meetings with these three, in January 1981, "a project was discussed to assassinate Lech Walesa," the leader of Solidarity, "if possible combining that with an attack on the Pope at the same time." Mr. Walesa was to have a private audience with the Pope during a five-day visit to Rome that month.

Walesa subplot is dropped

Mr. Agca told Judge Martella about this subplot on Dec. 29, 1982, describing Mr. Walesa's itinerary in Rome, the exterior and interior of the Hotel Vittoria where Mr. Walesa stayed, the route from there to the Casa del Pellegrino, where he also stayed, the press room for his scheduled confer-

ence. A police check some days later confirmed these details. For reasons still unclear to the Prosecutor, the Walesa project was dropped.

In December 1980, Mr. Agca had a first meeting with Mr. Celibi, the Gray Wolves' leader, in a Milan hotel room. On March 31, 1981, at the Sheraton Hotel in Zurich, a final meeting was held to "work out definitive terms, settle money questions and assign tasks." Among those present were Mr. Agca, Mr. Celik, Mr. Celibi and Mr. Celenk, the Turkish Mafia boss. It was agreed that three million deutsche marks would be made available for the operation, "provided by Bulgaria and paid over by Bekir Celenk." The money would be split three ways: a third each for Mr. Celibi, Mr. Celik and Mr. Agca.

Before that meeting, Mr. Agca had gone to Vienna, where Mr. Celik joined him. A longtime and close associate of Mr. Celenk's in "illicit affairs," Mr. Celik telephoned the Turkish Mafia boss, who instructed him to go to an Austrian arms dealer called Otto Tintner for the Browning semiautomatic pistol that Mr. Agca would use in St. Peter's Square. Proceeding to Switzerland, they entrusted the weapon to a local Gray Wolf leader named Omer Bagci, who agreed to deliver it promptly on request.

The final preparations

In April 1981, Mr. Agca returned to Rome, checked into the Hotel Torino and got back in touch with the three Bulgarians. "On Vasilev's advice, Agca then went to Perugia," where he registered at the Foreign Language School to acquire student's credentials.

Back in Rome, he met with all three Bulgarian agents "to settle the final details."

Soon afterward, he took off for a two-week holiday in Palma, Majorca. From there, he called Mr. Celibi in Frankfurt to ask if Mr. Celenk had come through with the money. Assured that the payment had been made to Mr. Celibi and Mr. Celik, Mr. Agca then called Mr. Celenk in Athens to be doubly sure. Mr. Celenk confirmed payment, and everything "was set to go." Four days later, Mr. Agca called Mr. Bagci in Switzerland and made a date to pick up the Browning at the Milan railroad station.

From Milan, Mr. Agca returned to Rome that same evening "for a scheduled meeting in Piazza Indipendenza with Vasilev and Oral Celik, who was in the city already." [On May 10, Mr. Agca and Mr. Celik each exchanged 1,000 Swiss francs for Italian lire, a couple of hours apart, at a Rome branch of the Banca Commerciale Italiana, C.S.]

"In a room at the Y.M.C.A., Vasilev showed Agca and Celik folders on the Vatican and photographs of the Pope. Then, by telephone, Vasilev reserved a room for Agca at the Pensione Iva, not far from the Vatican, for May 11.

Countdown to the shooting

"Between the afternoons of May 10 and May 13, Agca and Celik met Aivasov, Vasilev and Antonov, with whom they inspected St. Peter's Square several times. Together they went over the timing and placement and settled last-minute details on the particulars of escape and flight.

"At 1 P.M. on May 13, Agca, Celik, Aivasov and Vasilev met at the usual bar near Piazza Repubblica. Antonov was driving a blue car—perhaps an Alfa 2000—driven by Vasilev the previous day. After lunch near Piazza Barberini, the three went off in the same car to an address near Via Nomentana

[where Antonov lived, C.S.]. Antonov left them and returned with a small valise containing two guns and two panic bombs for Oral Celik.

"Around 3 P.M., they drove on to the Vatican, parking in front of the Canadian Embassy in Via della Conciliazione. Together they made a final inspection of the square. Aivasov left. The other three had coffee in a nearby bar.

"Around 4 P.M. Antonov left also. Agca and Celik returned to St. Peter's Square, where Agca fired on the Pope shortly after 5 P.M."

That was when Mr. Celik was supposed to set off the panic bombs, creating confusion to cover Mr. Agca's escape. Instead, Mr. Celik fled the square. He was photographed on the run by Lowell Newton, a news editor for a Detroit television station, who saw a gun in his hand.

[Mr. Celik's failure to use the panic bombs is not explained in the Prosecutor's report. He does say, however, that Mr. Celik was Mr. Agca's best friend, "dearer to him than a brother." Mr. Celik had been sent to the scene with a gun. Some Italian investigators assume that he had orders to shoot Mr. Agca after the Pope was shot and that the panic bombs were meant to cover the killing of Mr. Agca rather than their joint escape. If so, Mr. Celik may simply have lost the nerve to carry out the order, but nobody knows for sure, C.S.]

With Mr. Celik's flight, for whatever reason, the vital last stage of the whole assassination plan—a swift exit to safe harbor for Mr. Agca and Mr. Celik—collapsed.

The plan for a sealed truck

From the time Mr. Agca first mentioned the escape plan to the judge, on Dec. 22, 1982, he "asserted repeatedly that the three Bulgarian agents in Rome had promised to get him out of St. Peter's Square in Antonov's car, and then out of Italy by TIR truck." [The letters stand for Transport International Routier. The designation is used for trucks carrying cargoes across more than one European border. By international agreement, such trucks are sealed by customs in the country of departure and may cross borders unchecked until customs clearance at their final designation, C.S.]

The TIR truck would "apparently be set up for transporting diplomat's furniture, to reach Bulgaria by way of Yugoslavia," Mr. Agca contended. The Italian police found evidence to that effect.

Just over an hour after the Pope was shot, a "Bulgarian TIR Magirus, license number CK 3572 and trailer number CE 6176, left the Bulgarian Embassy in Rome for the Yugoslav frontier." It has come in from Sofia the day before "with a banal shipment of liquors and other beverages," according to the manifest, and its return cargo—"books, crockery, personal effects and so on"—was no less banal.

'Grave suspicions'

Despite the trivial nature of both cargoes, the Bulgarian Embassy had urgently requested the TIR's free passage across Italian borders both coming and going, with customs clearance on the embassy grounds. It was the first and last time that the Bulgarian Embassy resorted to such an urgent and extravagant customs procedure.

"The exceptional nature of this operation raises grave suspicions," the State Prosecutor writes. "Our Finance Police know all too well what can happen after a TIR truck is sealed. What was so immensely important and useful in the TIR's cargo that the Bul-

garian Embassy should make such unique demands for urgency—exactly on May 13, 1981?"

"We must conclude that on board that TIR truck, hidden among those personal effects, was Oral Celik."

[Whether or not this was so, there have been no reported sightings of Mr. Celik and no one has reported hearing from him, even in his own Gray Wolf circles, from that day to this, C.S.]

For the Prosecutor, "the circumstances surrounding this TIR truck are of fundamental relevance [in] giving Agca the right to be believed."

THE CORROBORATION OF AGCA'S ACCOUNT: WHY THE AUTHORITIES BELIEVE HIM

Judicial belief in Mr. Agca's confession was apparently fortified by a mass of corroborative evidence. Only the highlights are included in the Prosecutor's report, which refers to still-secret numbered documents for the rest.

The credibility of Mr. Agca's confession depends on "documents, testimony and ascertained facts" establishing that what he said proved right, and what those he accused said proved wrong.

Some of his statements were "unverifiable because of insurmountable difficulties in the investigation." Of all the rest, "only two elements could be proved to be untrue." One was that Mr. Agca mistook Mr. Vasilev's height, saying Mr. Vasilev was shorter than he. Mr. Agca is actually the shorter. The other was that Mr. Agca lied about the identity of the man photographed in flight at St. Peter's Square—not Mr. Aivasov, as he contended at first, but his intimate friend, Mr. Celik.

Otherwise, his recollections of times, places and people appear to have been borne out to a remarkable degree.

He exactly described the rooms and exteriors of the Hotel Vitosha and four other hotels he claimed to have stayed at in Sofia during the summer of 1980. His assertions about the money deposited to Mr. Celibi's account in Frankfurt were established as "a certainty": the deposit was made while Mr. Agca was in Palma.

All those he said were his collaborators turned out to have been where he said they were at the crucial times between July 1980 and May 1981. Mr. Celik was the only one who could not be found for interrogation, but all the others perfectly matched his detailed descriptions in physical features and personal habits. [Mr. Vasilev's height was his sole error, C.S.]

The description of Antonov

His accuracy in describing Mr. Antonov is particularly noteworthy. He described an eye defect of Mr. Antonov and his constant use of glasses to drive. He said he drove a Fiat 124 and occasionally a blue Peugeot, called his wife Rosy and had one child of 10, collected miniature liquor bottles as a hobby, loved flowers and often left some in the car, liked pop music, smoked cigarettes heavily and sometimes Havana cigars, disliked walking because of a tendency to fatigue and breathing difficulties, had a taste for whisky and spoke "a little English," although far less well than Mr. Vasilev and Mr. Aivasov.

Under questioning in prison, Mr. Antonov confirmed every one of these details himself. Even the shops he frequented to buy the miniature liquor bottles were found to be where Mr. Agca said they were. [The car he drove, although a Russian-made Lada, had the body of a Fiat 124. His admission

that he spoke some English—and could therefore have communicated with Mr. Agca in that language—shattered a major Bulgarian argument in his defense, which was that he did not speak English, C.S.]

In addition, Mr. Agca "provided the location and description of Antonov's apartment, its contents, the street, the trees, the view from the windows, the floor of the building, the buildings opposite."

The details were correct.

Bulgarians' alibis rejected

The alibis cited by the Bulgarian authorities for both Mr. Antonov and his wife, Rossica, turned out to be useless. "It is certain and ascertained that Rossica did not leave Italy" on the decisive days in May when he claimed to have been in Sofia, the Prosecutor states. Mr. Antonov's alibi "for the afternoon of May 13" could not be verified either.

Although Mr. Agca's general descriptions of the other two Bulgarians were harder to check—Judge Martella could question them only once, in Sofia, with a dozen Bulgarian officials present—they proved no less accurate.

Mr. Alvasov's passport showed that he was in Sofia when Mr. Agca claimed to have met him as "Kolev" "between the end of July and the second half of August 1980." Mr. Agca had described his features down to "the state of his dentures." He said Mr. Alvasov did not smoke, spoke good Italian and drove a Fiat 124. He referred to the presence of Mr. Alvasov's family in the Via Galiani apartment that May. He described the built-in wardrobe and large mirror in the hall, a desk in a room to the side, the rug in the dining room, the details of the bathroom. And he gave Mr. Alvasov's unlisted phone number, 327-2629—which existed despite insistent Bulgarian claims to the contrary.

"All this corresponds to the truth," the Prosecutor says, adding: "Alvasov's alibi for May 11, 12 and 13, 1981, has not only proved unverifiable but has been denied by witnesses and incontestable documents."

Mr. Vasilev's passport "confirms his presence in Italy during the months Agca claimed to have met with him": November and December 1980, January, April and May 1981. Agca's unerring description of him, his height aside, included "a small dark wart on his left cheek." According to the Prosecutor, "the wart is not visible in photographs." He added, "Only somebody who saw him face to face could notice it."

Particulars on Mr. Celenk, the Turkish Mafia boss, were equally precise. His passport showed that he had been in Sofia between late July and early August 1980, as Mr. Agca asserted, and in Switzerland on March 31, 1981, and in Athens when Mr. Agca claimed to have phoned him there early in May.

Among other characteristics described correctly by Mr. Agca were Mr. Celenk's liking for nightclubs and gambling casinos, a cigarette habit and "a specific way of walking, as if he had a slight limp in his right leg."

Mr. Agca's account of Mr. Celenk was fortified unwillingly by the Turkish wheeler-dealer living in Munich, Omer Mersan, "who—like so many others—only after infinite denials, ended by confirming various points Agca had made."

Details on the others

Among these was Mr. Mersan's relationship with Mr. Celenk. Arrested in Munich at the end of 1983 on Judge Martella's request, Mr. Mersan was extradited to Italy on

charges of having given "false testimony," largely about Mr. Celenk. After correcting it, he was shipped back to Germany. Despite his "conspicuous reticence," he had admitted by then to knowing Mr. Celenk for years and lying about it "to safeguard Celenk from any possible connection to Agca."

Judging from what he said, the State Prosecutor says, "Agca would seem to have told the truth about what happened in Sofia, since Mersan also admitted that he had been authorized by Abuzer Ugurlu to give Agca money there."

The Gray Wolf leader in Germany, Mr. Celibi, was also obliged in the end to admit his special "business connections" with Mr. Celenk. Arrested and extradited to Italy in October 1982, he appears to have admitted little more under interrogation in prison. Faced with the testimony of other witnesses, however, he was forced to confirm his meeting with Mr. Agca in Milan in December 1980, and witnesses have placed him at the gathering in Zurich the following March 31, with Mr. Agca, Mr. Celik and Mr. Celenk.

The Gray Wolf entrusted with Mr. Agca's Browning pistol in Switzerland, Mr. Bagci, has been imprisoned in Italy since his extradition in June 1982. He has confessed to keeping the gun in storage when Mr. Agca said he did and delivering it to Mr. Agca in Milan on May 9, 1981.

The prospects for trials

State Prosecutor Albano has now requested the formal indictment and trial of all these people: the Bulgarians, Sergei I. Antonov, Todor S. Alvasov and Zhelyo K. Vasilev; the Turkish Mafia boss, Bekir Celenk; Omer Mersan, his longtime business acquaintance; the Gray Wolf people, Musa Serdar Celibi, Omer Bagci and Oral Celik; and Mr. Agca himself.

Four would probably have to be tried in absentia. Mr. Alvasov and Mr. Vasilev, who had diplomatic immunity in Rome, cannot be extradited from Bulgaria. The extradition of Mr. Celenk from Bulgaria, where he has been since October 1982, seems unlikely, although the Prosecutor has asked for it. Mr. Celik has vanished.

Along with the other defendants now in prison, Mr. Agca would have to stand trial again, this time on charges of "importing weapons into Italy."

Despite widespread press reports, Mr. Agca will probably not have to face the curious charge of "self-slander and slander" that arose from his brief retraction of some testimony that had already been corroborated. Judge Martella sent him a communication that he was under investigation for such a charge last September in regard to certain confusing allegations of his in the Lech Walesa plot. The State Prosecutor has recommended that the charge be dropped.

Prosecutor Albano's report ends with an unusual tribute to Judge Martella, whose patient, meticulous and professionally dedicated labor "made it possible for me to perceive the logical design, the causes, the objectives, the moral miseries and penal responsibilities in this extraordinary case."

"No amount of praise could repay the Judge for the immense labor and spiritual solitude imposed upon him," it says.

LEGAL PROCESS ITALY USED

Under Italy's judicial process the State Prosecutor's office worked closely with an investigating magistrate to determine whether or not the evidence gathered was sufficient to warrant trial. The prosecutor makes his recommendation one way or the

other when the investigation is done, and the investigating magistrate then makes the final ruling.

In the case of the shooting of the Pope, State Prosecutor Antonio Albano has been in close consultation with Judge Ilario Martella since the investigation began in November 1981 and has consistently supported the judge's position.

His support was reflected in five rulings by various judicial authorities rejecting appeals for the release of the Bulgarian prisoner Sergei I. Antonov.

He disagreed publicly with Judge Martella only once, last December, when the judge agreed to transfer Mr. Antonov from prison to house arrest for health reasons. Mr. Antonov had been refusing food and had lost about 15 pounds. On the day of the transfer, Mr. Albano appealed to the Tribunal of Liberty for Mr. Antonov's swift return to prison "because of the gravity of the charges against him" and as a "pretrial precaution." He feared Mr. Antonov might otherwise escape or be murdered, he said.

The Tribunal of Liberty ruled in the prosecutor's favor, and Italy's Supreme Court upheld this ruling, whereupon Mr. Antonov was sent back to prison.

While the prosecutor's recommendation is not binding on Judge Martella, most people take it for granted that his report faithfully reflects the judge's views.—C.S.

MAJOR EVENTS IN REPORT

These are the major events cited in the Italian State Prosecutor's report on the shooting of the Pope.

1979: Feb. 1—Agca takes part in murder of Abdi Ipekci, a Turkish editor. June—Agca is arrested in Turkey. October—Agca threatens to identify his accomplices. November—Agca escapes from Turkish prison.

1980: July—Agca goes from Turkey to Bulgaria, and Agca and Bulgarians start to plan assassination. Aug. 30—Agca starts nearly nine months of travel around Europe, presumably trying to cover his tracks.

1981: March 31—Agca has final meeting in Zurich with co-conspirators to settle money questions and assign tasks. May 9—Agca goes to Milan to pick up pistol. May 13—Pope is shot. July—Agca announces he plans a hunger strike in December, thus warning his sponsors that he expects them to arrange for his freedom.

1982: May—Agca starts to confess. December—Agca tells of plans for escape after assassination.

1984: May 8—State Prosecutor's report is filed in court.

THE PEOPLE IN THE REPORT

These are the people mentioned in the report on the Italian investigation into the attempt to assassinate Pope John Paul II and what the report says their roles were:

Mehmet Ali Agca—Turk, convicted of shooting the Pope, indictment requested.

Todor S. Alvasov—Bulgarian, indictment requested.

Sergei I. Antonov—Bulgarian, indictment requested.

Omer Bagci—Turk, Gray Wolf in Switzerland with whom Agca stored the rifle used to shoot the Pope, indictment requested.

Bayramic—alias for Antonov.

Abdullah Catli—Turk, a Gray Wolf leader, Bekir Celenk—Turk, underworld leader, indictment requested.

Musa Serdar Celibi—Turk, Gray Wolf leader, indictment requested.

Oral Celik—Turk, friend of Agca, a Gray Wolf leader, indictment requested.

Abdi Ipekci—Turk, editor murdered by Agca in 1979.

Sotir Kolev—alias for Aivasov.

Omer Mersan—Turk, indictment requested, business associate of Celenk and Agca's first contact in Bulgaria after escaping from prison in Turkey.

Faruk Ozgun—alias for Agca.

Sotir Petrov—alias for Vasilev.

Yoginder Singh—alias for Agca.

Otto Tintner—Arms dealer in Vienna who provided the weapon Agca used.

Abuzer Ugurlu—Turk, underworld leader.

Zhelyo K. Vasilev—Bulgarian, indictment requested.●

(Conclusion of routine morning business transacted during the day and statements submitted for the RECORD:)

ORDER HOLDING AT THE DESK H.R. 5365

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives from the House H.R. 5365, a bill to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DISCHARGING LABOR COMMITTEE OF H.R. 2878

Mr. STEVENS. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 2878, a bill to amend and extend the Library Services and Construction Act, and that it be placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT OF S. 2766

Mr. STEVENS. Mr. President, I ask unanimous consent that S. 2766, a bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor-piercing ammunition, be star printed to reflect the following changes:

On page 2, strike out line 16 and insert in lieu thereof the following:

Code is amended—

(a) by striking out "and" at the end of paragraph (5);

(b) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(c) by adding after paragraph (6) the following:

On page 3, line 12, strike out "is" and insert in lieu thereof "are".

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD AT THE DESK H.R. 4308

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives from the House H.R.

4308, a bill granting the consent of Congress to an interstate compact for the preparation of a feasibility study for the development of a system of high-speed intercity rail passenger service, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

Mr. STEVENS. Mr. President, is there an order for convening later today?

The PRESIDING OFFICER. No, there is not.

ORDER FOR RECESS UNTIL 1 P.M. TODAY

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate stands in recess today it convene at the hour of 1 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, after the time for the two leaders under the standing order, I ask unanimous consent that there be a period for the transaction of routine morning business not to exceed 1:30 p.m. with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, let me state for the membership that following routine morning business, it will be the intention of the leadership to turn to any of the following appropriations bills hopefully under time agreements: the first would be the energy and water appropriations bill, H.R. 5653; the second, the Department of Housing and Urban Development appropriations bill, H.R. 5713; and the last, the legislative appropriations bill, H.R. 5753.

Senators should be on notice that we will take up one of those bills and I hope all three of them this afternoon and that there will be a possibility of rollcall votes during the session this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it has been called to my attention that there is an agreement to turn to the math-science bill following the disposition of the appropriations bills that are available for consideration by the Senate following consultation with the distinguished Democratic leader. It is the intention of the majority leader to consider that matter and hopefully turn to it this afternoon following consideration of these appropriations bills. These appropriations bills should be disposed of rather quickly, according to the information we have received.

Mr. President, I stand corrected. The existing order may require the consideration of the math-science bill before the appropriation bills. It is our intention to change that if possible, and turn to the appropriations bills to accommodate departing Senators before the math-science bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, while Senator BYRD is still on the floor, and Senator STEVENS, because of the urgent importance of the summer jobs program with schools letting out next week, Senator ALAN DIXON and I have been working on the supplemental program that covers 16,000 jobs in Chicago. In addition, and independently, the President has supported legislation for a reduced level of wages at \$2.50. I presume that matter, not having been fully subject to hearings would, not be able to be taken care of before the summer months this year. But if the other bill which is part of the supplemental, could be taken care of by at the latest Tuesday morning, would there still be time then to clear it through, cover that legislation which would authorize summer jobs across the country, 16,000 jobs of which would be vital for the city of Chicago, and we would be able to clear that before we recess for the convention to be held by the Democratic Party?

Mr. STEVENS. Mr. President, I say to my good friend from Illinois that the majority leader earlier today, I believe made a statement concerning the intention of the leadership with regard to the supplemental appropriations bill which the Senator from Illinois has mentioned as early as possible the first of next week, that these other items, the appropriations bills, have been pending. It is the intention that the leadership would take those up tomorrow, and the first of the week turn to the supplemental appropriations bill that is awaiting action. It is our hope that can be cleared for its return to the House as soon as possible the first part of next week. I am hopeful that we will be able to meet the schedule that the Senator from Illinois has indicated. It is so critical to his State, and it has been brought to our attention by the senior Senator and the junior Senator from Illinois.

Mr. PERCY. I thank the Senator very much indeed. It now being 4:12 a.m. on Thursday morning, I believe it was yesterday, Wednesday morning,

that Senator BAKER took that matter up. Another day has passed while we have been in steady session. But I believe it is my understanding also that Senator BAKER had that in mind.

Mr. STEVENS. The Senator is correct.

Mr. PERCY. He assured us that he could get it done, but we have now had another all-night session. By Tuesday morning I think would mean that we could have the conference, get it done, and put those young people to work which is quite vital.

I thank the acting majority leader very much indeed for his assurance in that regard.

Mr. STEVENS. I thank the Senator from Illinois for his persistence in this matter.

RECESS UNTIL 1 P.M. TODAY

Mr. STEVENS. Mr. President, if there be nothing further to come before the Senate, I move in accordance with the previous order that the Senate stand in recess until 1 p.m. today.

The motion was agreed to; and, at 4:13 a.m., the Senate recessed until today Thursday, June 21, 1984, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate, June 20, 1984:

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired

list pursuant to the provisions of title 10, United States Code, section 1370:

Gen. James P. Mullins, **xxx-xx-xxxx**, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Earl T. O'Loughlin, **xxx-x...**, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Marc C. Reynolds, **xxx-x...**, U.S. Air Force.

EXTENSIONS OF REMARKS

HUMAN RIGHTS IN CHILE IN 1983

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. ACKERMAN. Mr. Speaker, as a result of my involvement in the effort to seek justice in the case of the recently deceased Nazi war criminal Walter Rauff, I have become increasingly concerned about the human rights situation in Chile. Unfortunately, in the past year we have witnessed a further deterioration of human rights conditions in that country. At the same time, there have been signals from the administration regarding its desire to restore military ties with Chile. Any individuals who takes the time to read the reports on Chile of various human rights groups will get a chilling look at the brutality and oppression meted out by the Pinochet regime. At this time, I would like to commend to my colleagues a study written by David B. Lawrenz at the Council on Hemispheric Affairs, which sheds additional light on the human rights abuses in Chile today.

The article follows:

HUMAN RIGHTS IN CHILE IN 1983

(By David B. Lawrenz)

In the aftermath of two national demonstrations in Chile, on March 27 and May 11, President Gen. Augusto Pinochet seems determined to repeat a tragic pattern of human rights violations and violent repression.

The military regime mobilized riot police armed with tear gas and water cannons to preserve peace during the March rally, which had the support of a broad range of social sectors. At least eight persons were killed throughout the country during the protest actions, and over 400 people were arrested. Security forces reacted with near-equal repression on May 11, during a day of national protest organized by the National Workers Command; one person was killed, 22 were wounded, and 169 were arrested.

The military government also has severely restricted the press in recent weeks. On the eve of the March 27 demonstration, the regime imposed prior censorship on four opposition publications, and warned media outlets to "refrain from stressing facts or reporting on behavior that can induce, lead to or favor the disturbance of public order." The latest official sanction against the Chilean press came in mid-May, when the regime issued a decree that prohibits reporting on an individual's private life "if it causes material or moral damage to him." Many observers feel that this restriction is aimed at preventing further domestic coverage of allegations that Gen. Pinochet was involved in fraudulent land purchases in 1981.

The aging Chilean dictator has turned a deaf ear to internal critics of the military government, including the Catholic Church, labor organizations and political parties, who demand an accelerated transition to democratic rule. The country's political stalemate, and Pinochet's adamant refusal to depart from a time table for a political opening that would leave him in power until the end of the decade, are, in part, to blame for the series of terrorist bombings and attacks on police stations that have occurred this year.

In reaction to this surge of leftist violence, the ruling military junta has proposed an anti-terrorist act that would reenact several provisions of the "state of emergency" that was lifted in August 1983. Under the proposed law, authorities conducting investigations of terrorist activities—which are defined in very broad and vague terms—would be allowed to make arrests, as well as to search for and seize evidence, without a judicial warrant, "in cases in which the request for a warrant would jeopardize the success of the operation." As well, the act would empower courts to request that accused persons be held incommunicado for up to ten days, and to call for the interception and inspection of private mail.

On May 25, eight days after the anti-terrorist act was made public, Gen. Pinochet told a rally of government supporters that "this new law will allow us to use the strong hand you demand, and we will use it."

International pressure has mounted against Pinochet since the beginning of the year. The foreign ministers of the European Economic Community recently condemned the regime's stepped up press restrictions and heavy-handedness during the March rallies.

Unfortunately, Reagan administration officials seem intent on maintaining a two-track policy toward Chile, one that encourages respect for human rights and the restoration of an elected civilian government while expressing skepticism about the continued effectiveness of the existing prohibition against U.S. military assistance to that country.

In early March, U.S. Ambassador James Theberge criticized Chile's "political stagnation," and called for the resumption of the dialogue begun last September between the military and democratic political parties. More recently, the State Department raised objections to the April 11 detention of Juan Pablo Cardenas, director of the opposition magazine Analisis.

But statements made on April 12 by James H. Michel, deputy assistant secretary of state for inter-American affairs, undermined these positive signs of growing U.S. impatience with the intransigence of the Pinochet regime. Michel bluntly stated that "the absence of a foreign military and security assistance relationship [with Chile] may be a strong symbolic statement, but it is not clear that a policy of denial is an effective way of encouraging a transition to democracy." Michel did not elaborate upon what leverage the U.S. conceivably would gain with the Chilean regime by doing away with what he termed the "legislative con-

straints" of the Chilean certification requirements.

The following report details only some of the most significant human rights violations committed by the Pinochet regime during the past year. It is clear from this record that in 1983, the Reagan administration's "quiet diplomacy" had no noticeable impact in lessening the Chilean military government's violation of its citizens' human rights and civil guarantees. And while there is little reason to believe that the inconsistent U.S. criticism of the Pinochet regime in 1983 altered the behavior of the Chilean government, there is no indication whatsoever that ending the U.S. ban against military assistance will improve conditions in that country.

The Chilean people paid dearly in 1983 for expressing their opposition to the military government. The Pinochet regime's efforts to combat a growing popular opposition movement, composed of multi-party political coalitions, labor unions, the Catholic Church, human rights organizations, and other sectors of the population which united to hold monthly days of national protest, produced a rapidly mounting toll of security force killings, arbitrary arrests, torture of detainees and internal banishment. Not since the 1973-1974 post-coup era has official repression and the violation of human rights reached the levels of the past year.

Throughout 1983 the Chilean government sought to keep a tight lid on labor unions and their most active leaders, who rallied to transform proposed union strikes into broad-based popular protests. Beginning in April 1983, when the Congress of the 23,000-member Confederation of Copper Workers [CTC] approved a proposal to call for a national strike on May 11, labor unions provided much of the leadership and support for 1983's eight days on national protest, held monthly starting that month.

On May 1, plain-clothes police violently disbanded a gathering of union groups in Santiago's Plaza de Artesanos, leading the national Command of Workers [CNS], created one month earlier by CTC and opposition union leaders, to switch their national strike to what became a Day of National Protest. One day after the June 14 Second Day of National Protest, which the CTC again helped to organize, the government jailed Rodolfo Seguel, who had recently finished serving a second, 12-day September jail term for allegedly slandering Gen. Pinochet. Seguel was to lead the march, but he was again arrested along with five other union leaders at the start of the planned course. These arrests touched off a spontaneous sit-in demonstration in which police arrested an additional 100 people.

One of the year's most harsh government attempts to discourage labor activism came on October 10, when unidentified armed civilians brutally attacked Raul Montecinos, a high-ranking CTC member. Seguel denounced this aggression and pointed out the similarity between it and the February 1982 assassination of Chilean union leader Tucapel Jimenez.

In an attempt to deal with rising popular opposition, the Chilean security forces made a staggering number of arbitrary arrests during the first five Days of National Protest. The Fourth Day of National Protest, held on August 11, witnessed the highest level of security force violence against demonstrators up to that time and resulted in the largest number of arbitrary, short-term arrests. The most severe brutality appears to have been in Santiago, where the government called in 18,000 air force troops to augment the carabineros (military police) forces. In two days of protests in Santiago, on August 11 and 12, 24 people were killed, 100 were wounded by gunshots, and over 1,000 persons were detained. The Chilean Commission on Human Rights (CCDH) reported that many wounded citizens did not seek medical attention at emergency stations for fear of being arrested. Medical assistance was extremely inadequate during the protests in the capital city. As a result of the government's 6:30 curfew in Santiago, people seeking medical care, even some carrying white flags, reportedly were attacked by security forces. The CCDH also stated that police randomly attacked unarmed individuals in their homes, where a number of the killings took place.

CCDH figures reveal that in the first nine months of 1983, security forces made 482 individual arrests, and detained 8,866 people in collective sweeps. During the same period (January-September) of 1982, there were 263 individual and 999 mass arrests.

The alarming number of persons arrested in mass detentions in the first nine months of 1983 was an indication of the government's disregard for citizens' rights during the National Protests. The majority of these incidents involved short-term detentions, usually overnight, and served little purpose other than to discourage and intimidate demonstrators. The number of people killed during the National Protests reached 70 by November. The three National Protests held in October, November and December of 1983 were more orderly, involved fewer clashes between security forces and protesters, and resulted in less than 70 arrests.

While security forces were extensively involved in arbitrary collective arrests during the National Protests, significantly, they also made a large number of individual arrests of persons singled out as political activists or prominent opposition figures. In these cases, Chilean authorities used decrees issued in 1981 to justify their actions. Under Transitory Act 24 of the 1981 military Constitution, detainees suspected of terrorism may be held for up to 20 days. Moreover, the 1981 Constitution's "exceptional state of emergency" provision gives the security forces free reign to apply the 20-day detention period to political activists arrested for minor public disturbances. The "exceptional state of emergency" has been in effect almost continuously over the last three years. Transitory Act 24 also empowers government authorities to hold suspected "terrorists" in "places other than jails," which generally means that these persons are transferred to secret National Intelligence Center (CNI) holding locations.

Judging from the number of individual arrests that occurred during the first five National Protests, and subsequent allegations of those detained, the CNI seems to have routinely subjected these purported "terrorists" to torture at its secret facilities. Over the course of the first four National Protests, the number of persons tortured fol-

lowing arrests made during demonstrations rose from 3 in May to 150 in July. A total of 280 torture cases were reported in the first nine months of 1983.

In late 1982, the Chilean government finally addressed the question of citizens living in political exile abroad by establishing an official commission to review the problem and authorize the return of certain exiles. No official figures exist on the Chilean exile population, but government representatives have estimated the total to be between 11,000 and 30,000. The CCDH cites a much higher figure of 200,000 political exiles. In testimony before a Congressional hearing on human rights in the Southern Cone on October 18, 1983, James Michel perhaps understated the case by claiming that "perhaps as many as 7,000 exiles, plus [their] families, remain outside Chile."

Although Gen. Pinochet dissolved the exile commission shortly after establishing it, his government has since published ten lists containing the names of persons permitted to return to Chile. Initially, these lists did not include exiled political leaders, and opposition spokesmen denounced the entire program as merely an attempt to improve Pinochet's international image. Bowing to domestic and international pressures, the government published long lists, with over 1,000 names each, in August and September. These lists included the names of two well-known exiles, CCDH president Jaime Castillo and labor leader Manuel Bustos. Despite the return of its president, the CCDH remained highly critical of Pinochet's repatriation measures, pointing out that the government padded the official lists by adding to them the names of deceased persons as well as Chileans who left the country for non-political reasons. The government permitted 2,500 exiles to return before ending the publication of the monthly lists in October 1983.

Although Gen. Pinochet maintains that his government does not censor the press, Chilean authorities have broad powers to punish critics, and the media is hesitant to report on matters the government considers sensitive, particularly the growth of the opposition movement. During the past year, the military concentrated on limiting press coverage of the Days of National Protest. In May, the regime suspended news broadcasts of the Radio Cooperativa station for 13 days because it had reported on the copper miners' strike. During the July 14 Second Day of National Protest, the regime prohibited the country's media outlets from discussing the day's demonstrations, limiting reporting to "descriptions of vandalism." Prior to the truck workers' strike on June 23, government officials warned newspaper editors that all coverage of the work stoppage would be prohibited.

Chilean authorities also acted against individual journalists, often arresting and charging them with slander. Analysis director Juan Pablo Cardenas, who was arrested on September 27 on that charge, was later released on bail following court intervention on his behalf. During the August national protest, Santiago police arrested a Spanish journalist, Santiago Aroca of *Tiempo* magazine, while he was photographing clashes between the police and civilians in the capital city. A French television team reported that they were required by the security forces to destroy their film of street demonstrations on the same day. ●

TRIBUTE TO THE MERCHANT MARINERS OF D-DAY

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Ms. MIKULSKI. Mr. Speaker, I would like to take this opportunity to pay tribute to all members of the merchant marine who participated in the invasion of Normandy 40 years ago. The merchant mariners were an integral part of the allied force's endeavor and their heroic actions contributed to the invasion's success. It is unfortunate that this participation has not received the public recognition that it deserves. Pete Earley of the Washington Post clarifies this point in his article, "Merchant Mariners' Saga At D-Day Remains Unsung." The article follows:

MERCHANT MARINERS' SAGA AT D-DAY REMAINS UNSUNG

(By Pete Earley)

Abe Rapaport calls himself one of the "forgotten men" of D-Day.

He was at Omaha Beach during the intense fighting in June, 1944, and saw several of his comrades killed.

But Rapaport wasn't part of any military force, and neither he nor his colleagues were recognized yesterday during the 40th anniversary celebration of the Normandy invasion, even though Allied commanders once described their actions as a "heroic and invaluable service."

Rapaport was in the merchant marine during the war, working for an American steamship company under the direction of the War Shipping Administration. With about 800 other seamen, Rapaport volunteered during the invasion to sail old or damaged ships from Britain into the shallow waters along the Normandy coast, where they were scuttled to form a breakwater.

The merchant seamen used the ships and prefabricated piers that they towed across the English Channel to form two harbors, called Mulberries. These were needed to land troops and supplies because the Germans had heavily fortified the existing major ports.

No one knows how many merchant mariners died during the operation—the military didn't record civilian casualties. But Rapaport, president and historian of the U.S. Merchant Marine Veterans of World War II, estimates that at least 40 men were killed.

Frank Braynard, curator of the American Merchant Marine Museum at the Merchant Marine Academy on Long Island, describes the seamen's D-Day service as a lost chapter in American history. "Most people don't realize that they participated in the invasion," he said.

The 168,000 men, who served in the merchant marine during the war were primarily responsible for delivering supplies to U.S. troops overseas, Braynard said. More than 6,000 of them were killed, according to steamship company records; many were victims of German U-boats.

Percentage-wise, the merchant mariners' wartime casualty rate was exceeded only by

the Marines', according to Marty Skrocki of the Merchant Marine Academy.

Rapaport arrived in Britain on a supply ship a few days before D-Day. He said he was recruited immediately by the British Admiralty for a mission described only as "extremely dangerous but important."

Rapaport, who was 29, didn't know he was headed for Omaha Beach until after he left port. His 20-year-old ship, the West Nilus, was scuttled the morning of June 7, 1944, about a half mile off Omaha Beach in water 15 to 18 feet deep.

The most dangerous part of the voyage, he said, was when the skeleton crew abandoned ship, climbing into small boats that would take them to Navy vessels. "It was like shooting fish in a rain barrel," he said of the opportunity this presented to the German batteries on the shore.

Rapaport volunteered for a second trip four days later, and the fighting along the coast was even more intense, he said.

World War II mariners held a reunion last weekend in Seal Beach, Calif., but Rapaport said that most of the 6,000 members of the veterans' group "don't feel like we have much to celebrate."

"We're proud of the role that we played during the war, especially at D-Day," he said, "but we've been betrayed by our government."

In January, 1982, the Pentagon denied an AFL-CIO request to give World War II mariners the same benefits that military veterans receive.

The Pentagon praised the merchant seaman for "meritorious performance . . . critical to the success of the war effort," but said they didn't meet the qualifications set by Congress for veterans' benefits. Among other things, they weren't required to enter combat zones, could resign, and weren't under the military justice code, the Pentagon said.

The decision outraged many mariners, according to Rapaport, who was decorated for bravery six times during the war by the War Shipping Administration. Many of the merchant seamen had been told by their draft boards to stay on with private shipping companies to transport military supplies, he said. "Some of our men also were prisoners of war," Rapaport said.

The Pentagon is reviewing a second petition that would extend veterans' benefits to seamen who participated in military operations, but Rapaport isn't optimistic.

"We were promised in 1944 by . . . the War Shipping Administration that, and I quote, 'When the national security permits the full story of your exploits to be told, it will be possible to accord you the public recognition you so well deserve.'"

"Well, we're still waiting," said Rapaport, 69, "and none of us is getting any younger."

TORTURED IN URUGUAY

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● **Mr. BARNES.** Mr. Speaker, I want to call to my colleagues' attention a recent editorial in the New York Times concerning the continuing problem of torture in Uruguay's prisons. The editorial focuses on the case of Hiber Contreris, a minister who was

tortured into confessing, given a mock trial, and sentenced to 20 years for supposed subversive activities. Amnesty International has adopted Mr. Contreris as a prisoner of conscience. I am among those who have pressed for his release. I must say that neither the Uruguayan Government nor our own administration have given me very satisfactory answers to the question of why Mr. Contreris is still being held.

Mr. Speaker, Mr. Contreris ought to be released forthwith. Our own Government ought to be applying some real pressure to achieve that. And we should not be talking about military aid to Uruguay while Mr. Contreris and others like him remain in prison and subject to torture.

The editorial referred to follows:

TORTURED IN URUGUAY

Torture is the dirty little secret of modern politics, and typically, victims are punished not only for real or imagined crimes, but also because they know the secret. They die, or "disappear," or languish in jail for years to prevent their bearing witness against the degrading use of technology to smash bodies and bend minds.

In Uruguay, for example, why else has Hiber Contreris been denied a fair trial in open court? A 50-year-old Methodist minister, Mr. Contreris, was arrested in 1976 on his return from a church conference in Europe. He was charged with "assault upon the Constitution" and "criminal" association with suspect subversives. To secure a confession, he was hung from the wrist, burned and submerged in filthy sewage.

After a "trial," in which he was forbidden to choose his own lawyer, he was sentenced to 15 years, plus five years for "security."

Satisfied that he never advocated or engaged in violence, Amnesty International has adopted Mr. Contreris as a prisoner of conscience. When 26 United States Senators and 81 Congressmen signed a plea in his behalf, Uruguay's only response was to repeat the vague charges against him.

His plight is commonplace in Uruguay, long a stable democracy but under military rule since 1973. In a country of 3 million, there are 800 political prisoners—the highest ratio anywhere. Torture routinely occurs immediately after detention. At least 96 prisoners have died in custody.

The armed forces originally seized power to subdue a violent, lawless leftist insurgency. That threat ebbed long ago, and elections are supposed to be held in November. But the best-known opposition leader, Wilson Ferreira Aldunate, has been denied a chance to participate. His announcement that he plans to return from Argentine exile has already prompted a fresh round of arrests.

So the miserable cycle threatens to continue: detention, torture, fake trial, prolonged imprisonment. A high price for the dirty little secret. ●

ARE DOCTORS OVERPAID?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● **Mr. PHILIP M. CRANE.** Mr. Speaker, the ongoing national debate on

ways to improve the delivery of cost-effective health care services for all citizens is most worthwhile. Contrary to what many believed would happen when Medicare was first enacted nearly 20 years ago, Government intervention in the health care field has caused the Nation's medical bill to soar, not drop. I believe we must strengthen the time-honored concept of privately insured, fee for service arrangements for reimbursement of doctors, nurses, and hospital services. Such controversial Medicare proposals as mandatory physician assignments and fee freezes would crush the principle of free market competition, reduce the willingness of doctors to treat Medicare patients, and represent an unnatural Government barrier between the patient and his physician.

The issue of expensive doctor fees was recently addressed in Private Practice magazine by a doctor who worries if his son, a third-year medical student, will be able to afford the high costs of medical education and malpractice insurance. The author, Dr. Fred L. King, highlights the fears of many in the medical community who wonder if future costs will be so prohibitively expensive as to terminate the once beloved American institution known as the private physician. I commend this article to the attention of my colleagues.

[From Private Practice, April 1984]

ARE DOCTORS OVERPAID?

(By Dr. Fred L. King)

The other day I overheard a conversation between two men at the supermarket. One remarked that he thought it was ridiculous that he had paid \$110 per day for a hospital room during a recent hospital stay. The other thought doctors were getting rich by charging \$20 for an office call that only lasted 20 minutes. They raised the question: Are doctors overpaid?

A much more important question is: Will doctors be overpaid in the future? It is a bit late to do anything about the past, but it would be good to look at the future. I have a son who is a third-year student in the osteopathic medical school I attended 25 years ago. His tuition payments alone are \$13,250 per year compared to the \$750 per year I paid during 1957 to 1961. In addition, there are books and a myriad of other expenses that a medical education requires. Medical school is expensive. Many of my son's classmates will be \$80,000 in debt upon graduation, not including the cost of undergraduate school.

EDUCATIONAL COSTS

It appears that Americans, including our esteemed congressmen, never think of the cost of a medical education. A young man or young woman who chooses to become a physician must invest a considerable sum just to obtain a medical degree. It would be tempting to compare the lost income with a highly paid athlete who may never have been to college at all, but let us be fair. What income is lost by going to college? Consider the income of a factory worker during the time a medical student is in school. It is reasonable to assume that practically all students today have spent at least

four years to obtain an undergraduate pre-medical degree for entrance to either an allopathic or osteopathic school, and some students have more education than that. In addition, there are four years of medical school and for most physicians an internship of a year and three or four years of residency. That means the student has been in school for about 12 years. During those 12 years, the factory worker has been making money.

I heard not long ago that auto workers now make about \$26 per hour; in 12 years that's more than \$500,000. Most physicians fresh from a residency are already about \$600,000 behind.

Perhaps my son will recoup the loss by huge fees when he practices. He has determined to become an orthopedic surgeon and such specialists seem to be fairly well paid. But the factory worker is still better off, it seems to me. My son is highly intelligent and mighty fussy about doing a perfect job in everything he does, but I suspect he will be sued by an unhappy patient eventually; it is the mood of our society. And he will probably pay at least \$50,000 per year for liability insurance. He will have to earn twice what he owes plus interest to pay any debts he has. No part of his educational costs is tax deductible, except interest. He will be rewarded eventually by being placed in a 50 percent tax bracket for working longer and harder and investing his time, money and energy in an education which makes him more valuable to society. He will eventually make a larger income than an auto worker, but it will be because he works 60 or 70 hours a week instead of 40, and the IRS will be waiting for the surplus.

My son will probably not receive the rewards he deserves from the great financial and emotional investment he is making in a medical education. The liberal, socialistic trends of our country will prevent that. But consider what reforms in our laws would be reasonable to give doctors an equal break with the rest of society in a country that was so successfully built on a free enterprise system.

LEGISLATIVE REFORMS

First, everyone, physicians included, deserves a flat-rate income tax schedule. Next, the ridiculous malpractice liability situation in America needs reform. A socialistic approach of no-fault insurance is certainly not the answer. The only approach which will correct the problem is access to the courts for physicians who have been harassed with ungrounded suits so they may countersue for malicious prosecution of civil suits. Physicians would then only have to pay for their mistakes, not for bad results where they were not at fault.

I cannot promise my son that such reforms will come about. In fact, it seems only a matter of time before physicians will be forced to work for the government for a fee congressmen decide physicians should be paid, and even that will be heavily taxed. Whatever the government lets my son keep, he won't be overpaid. ●

SAYING "NO" TO THE NED

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. OTTINGER. Mr. Speaker, the alleged use of National Endowment

for Democracy [NED] funds to influence the recent Presidential elections in Panama spurred the House of Representatives to strike from the authorization bill H.R. 5712, \$31.3 million earmarked for the endowment for fiscal year 1985.

Statements cited in the New York Times article of May 28 which related the fears of Ambassador Briggs concerning the American Institute for Free Labor Development's questionable role in financing electoral activities in Panama were enough to result in House action blocking future funding of the NED.

I would like to present to my colleagues a memorandum on the history of the NED, prepared by Joanne Alfandre and Susan Povich of the Council on Hemispheric Affairs, with the hope that it will shed further light on the mysterious nature and intent of the NED. I also hope that the report will be of use in evaluating the possible negative ramifications of NED-financed projects in Latin America.

THE NATIONAL ENDOWMENT FOR DEMOCRACY: OPENING A PANDORA'S BOX

(A Council on Hemispheric Affairs Staff Memorandum, by Joanne Alfandre and Susan Povich, COHA Research Associates)

Allegations of improper use of funds have imperiled the future of the National Endowment for Democracy (NED), a controversial program established over a year ago with the praise of the Reagan administration to finance private-sector organizations in "democracy-building" efforts overseas.

Influenced by the damaging reports the House voted May 31 to delete the entire \$31.3 million earmarked for disbursement by the United States Information Agency (USIA) to the Endowment during FY 1985. Although a Senate appropriations subcommittee approved funding for the NED by a narrow margin after a June 12 hearing, a key staff aide said the full Senate may also cut the NED monies.

The House's refusal to allocate funds for the NED stemmed from accusations that the American Institute for Free Labor Development (AIFLD) had used NED funds to help a group supporting Nicolas Ardito Barletta's victorious campaign for president in Panama. Although the U.S. ambassador in Panama, Everett Briggs, was the source of information that AIFLD contributed \$20,000 to pro-Barletta unions prior to the May 6 balloting, he has not confirmed charges that the NED financed this activity.

The Endowment is the brainchild of the American Political Foundation (APF), a private group formed by U.S. politicians in 1979, which established a research team in 1982 to "examine what the United States could do to support democratic forces abroad." In December 1982 the Agency for International Development (AID) allocated \$150,000 to fund the APF study, dubbed "The Democracy Program." AID later gave an additional \$250,000 toward the project when anticipated private funding did not materialize. President Reagan earlier had launched the APF project in a June 1982 speech before the British Parliament.

The Reagan administration's first formal proposal for a democracy-promoting campaign abroad came in February 1983, with

the announcement of Project Democracy. This White House initiative differed structurally from the project envisioned by the Democracy Program by calling for the expansion of State Department, USIA and AID exchange and training activities and the establishment of government and private programs to "promote democracy" abroad. The brutal irony of the scheme arises from the fact that the administration has been hell-bent on privatizing many governmental public-sector functions, including vital domestic social programs, while it can accept placing the business of selling values abroad under the providence of the public sector.

PROPAGANDA POTENTIAL

In its April 1983 initial report, the Democracy Program recommended incorporating the NED as a private, nonprofit entity, and proposed that the Endowment allocate USIA funds to four groups: the AFL-CIO's Free Trade Union Institute (FTUI); the national Republican and Democratic parties' International Institutes, created expressly for the NED program; and the Center for International Private Enterprise of the National Chamber Foundation, a private affiliate of the U.S. Chamber of Commerce. Although some lawmakers were skeptical about Project Democracy's potential for propagandistic overtones and rejected most of its provisions, Congress approved \$18 million in fiscal year 1984 funds for the NED, enacting legislation that closely followed the Democracy Program's recommendations.

Congressional opponents of the Endowment, including Reps. Richard Ottinger (D-N.Y.) and Hank Brown (R-Colo.), are concerned about the lack of accountability of NED-financed projects carried out by these private bodies, because these activities are not subject to information disclosures guaranteed by the Freedom of Information Act. This point is particularly critical in light of the experience of a number of similar West European organizations, among them the controversial West German Adenauer Foundation, which as an ostensible private organization was not open to public accountability and was revealed to have functioned as a conduit for the channeling of CIA funds in Central America.

Critics of the NED also contend that the private organizations slated to receive Endowment funding have inadequate or the wrong kind of experience in conducting foreign affairs. In fact, the FTUI and AIFLD are the sole major NED grantee organizations that existed prior to 1983.

While the recent negative Hill vote focused discontent on the use of NED money in the Panamanian elections, a confidential General Accounting Office (GAO) draft report released in April points out other problems in the preparation and scope of the Endowment. According to the congressional watchdog agency's finding, the Democracy Program's initial research was still incomplete when Congress hurriedly approved the NED bill in November 1983. The only areas that the APF research staff had thoroughly investigated before the NED was established pertained to strategies for pushing their project through Congress and the Endowment's administrative structure.

The GAO report notes that "in some respects, the legislative calendar may have driven the sequence of events." From the start of its research, the Program's four-member staff raced "the congressional clock in completing [its] work," having deter-

mined that an off-election year was the optimum time to implement their project successfully.

IGNORED EMBASSIES' CONCERNS

The Democracy Program's research staff consisted only of representatives from the business and labor groups and the Democratic and Republican parties later named as NED grantees. It also paid little attention to the possibility of expanding existing government and private sector institutional programs to accomplish the Endowment's planned objectives.

The GAO study also notes that the Democracy Program's final report ignored concerns expressed by a number of U.S. embassies abroad—in response to the staff's own queries—regarding possible duplication or competition with existing in-country programs, as well as the need for a sober assessment of whether "a program promoting the growth of democratic institutions could realistically operate in certain countries."

Another aspect of the NED that clearly rankles many members of Congress is the role of the two political party institutes in foreign "democracy-building." Although each of these institutes would receive \$5 million under the proposed FY 85 NED budget, one congressional opponent, Sen. Malcolm Wallop (R-Wyo.), noted that as of late March, "the Boards of Directors of the two party institutes had not approved organizational structures, staff functions or grant proposals." While John P. Loiello, Executive Director of the Democratic Party institute, reported to the GAO that his agency "generally will not fund foreign parties directly," the specter of U.S. intervention in elections overseas plainly haunts the NED's stated objectives.

The NED-financed activities of the FTUI are likely to stir up problems similar to the controversy surrounding AIFLD's contribution to the Panamanian union, ostensibly for "get-out-the-vote purposes." In the description of its NED program for FY 1984, the FTUI stated that it would allocate part of its \$11 million budget to "democratic unions" in several Latin American nations, including Chile and Guatemala.

DEMONSTRATION ADVICE

The activities of the FTUI's "labor projects" in Latin America would include "aid to national trade union centers for infrastructure development," "training on combatting anti-democratic forces," "education on how to demonstrate" and "training dealing with campaigning and election organization."

In Guatemala, the FTUI plans to spend NED money to support the Guatemalan Confederation of Trade Union Unity (CUSG). The FTUI program outline notes that the "labor movement was reborn after a nightmare of years of persecution, with the formation of the [CUSG]," and adds that this group "has raised the hopes of the Guatemalan workers for an authentic democratic solution" in the country's July 1 Constituent Assembly elections.

The report fails to mention that then-President Gen. Efraim Rios Montt created the CUSG in 1983 in an effort to gain working-class support for his military regime and to weaken the popular appeal of the eight-year-old National Committee of Trade Union Unity (CNUS). To date, the CUSG, which grouped together unions tied to AIFLD and the Christian Democratic-oriented Latin American Confederation of Workers (CLAT), has failed to gain widespread rank-and-file support in Guatemala.

In Chile, the FTUI hopes to finance a conservative labor confederation, the Democratic Union of Workers (UDT), that is closely linked to AIFLD. The FTUI program description states that "should the military dictatorship ease, the UDT will be one of the most important institutions upon which Chilean democracy will depend."

In its current state, the NED is a crude product, resulting from an incomplete and hurried feasibility study, that proposes vague methods to achieve undefined goals. Despite the noble language surrounding the Endowment's goals, many charge it would open a murky and dangerous door that could ultimately enroll quasi-private organizations in the position of acting as surrogate conduits for covert CIA operations.●

PRIVATE WETLANDS AND CRITICAL HABITAT PROTECTION

HON. JOHN B. BREAU

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. BREAU. Mr. Speaker, I am today introducing legislation that will provide tax incentives for conservation of natural areas.

I realize that introducing legislation granting tax incentives in a year when we are facing \$200 billion deficits may strike some as inappropriate. I believe, however, that there are instances where encouraging private landowners to take actions which enhance the conservation value of their land will save the Government money in the long term. In addition, the legislation I am introducing today is narrow in scope, concentrating the tax benefits on areas which Congress has determined are worthy of protection.

The bill I have introduced would provide tax credits for conservation actions on two types of habitat that are particularly valuable to wildlife and to our Nation—wetlands and critical habitat for endangered species. As many of the Members know, the loss of wetlands has been a severe problem in this country. Several years ago, we held a hearing on wetlands loss in the Mississippi flyway. At that hearing we learned that we are losing over 40 square miles of coastal wetlands per year to erosion and approximately 250,000 acres per year in other parts of the flyway to agricultural conversion.

In some areas, particularly where the problem is erosion, there are actions which can be taken to protect the wetlands and enhance their value. The legislation provides for the Secretary of the Interior to designate wetland areas that would require improvement or protection to preserve their wetland characteristics and to specify actions that would improve the quality of the wetlands. Landowners carrying out these actions would get a 15-percent tax credit.

A similar program would be in effect for endangered species critical habitat

whereby the owner of habitat designated as critical habitat would be eligible for a 15-percent credit for actions that improve the habitat.

In addition, the bill would provide for a number of benefits to landowners who donate or sell land or conservation easements on land that is particularly valuable for conservation purposes. In addition to wetlands and critical habitat, these categories include lands designated under the Coastal Barrier Resources Act, lands identified for inclusion in the National Wildlife Refuge or Park System, natural heritage areas identified by the Park Service and areas identified by the States as part of a natural heritage inventory.

I must acknowledge a debt to Senator WALLOP, Congressman LAGOMARSINO and others for their work on similar legislation. Many of the tax provisions are adopted from legislation introduced by Senator WALLOP. The major change I have made is to limit these tax benefits to specific categories of lands. I think this approach is important for two reasons. First, it will limit the revenue impact of this legislation. Second, it is important to remember that persons who own property that is designated as a wetland or critical habitat for endangered species or some other Federal or State land classification often lose some potential benefit from their land. They are subjected to Federal regulatory programs or prevented from receiving some form of Federal assistance available to other citizens because of the location of their land.

Often the purposes behind the regulatory programs are worthwhile, and we in Congress have determined that they are necessary. I think that it is time, however, to provide some small benefits to people who find themselves enmeshed in Federal regulatory schemes.

Mr. Speaker, I believe this legislation is important because it will encourage people to care for special lands in a special way. Over 40 years ago, the great conservationist Aldo Leopold wrote of developing a land ethic—a way of viewing land that treats it with respect and as a resource over which we are stewards. Too often, when we realize that some piece or category of land is biologically or esthetically important, our instinct is to buy it, regulate its use or place other encumbrances on it. The time has come to offer landowners some incentives to be better stewards of their own land.

Finally, Mr. Speaker, I want to stress that, while I feel strongly about some of the concepts in this legislation, the bill itself is offered as a starting point for discussions on this issue. My colleagues in the Ways and Means Committee will no doubt find some of

the tax provisions impracticable or at variance with other tax policies. My friends in the conservation community may suggest other lands that should qualify for tax benefits. I encourage comments and hope that my colleagues will join with me to perfect this legislation. ●

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. TORRES. Mr. Speaker, I was not present for rollcall vote No. 239—amendment No. 35 to H.R. 1510, Immigration Reform and Control Act—on Thursday, June 14. Had I been present on the House floor, I would have voted "aye." ●

MS. DOROTHY PITTS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. DELLUMS. Mr. Speaker, I call to the attention of my colleagues an article which recently appeared in the Sun Reporter of Oakland, CA, concerning a woman whom I am proud to have known for a number of years.

Dorothy Pitts has been a truly model member of her community. In the time I have known her she has been a selfless and dedicated worker toward the goal of improving life for her fellow women and men. I commend this article to your attention:

DOROTHY PITTS: A BELIEVER IN TAKING ACTION

(By Lorene Marks-Foreman)

When Dorothy Pitts began to show her power in the community as a concerned citizen, as she was once called, she began to be considered by many as an activist. "I am not in the habit of defining myself; however, if activist is what people want to call me, it's okay. However, I am not a revolutionist or a radical," she continued, "but I believe in taking action on the issue."

As a professional social planner and a supervisor of recreation in Oakland, where she has worked with teenagers to reduce juvenile delinquency, Pitts has seen many distressing things. As a Black woman born in 1913, she has overcome many personal difficulties. But nothing made her "so sick," she recalls now, as walking within those grey nursing-home walls and seeing those uncared-for residents.

At age 59, Dorothy Pitts was asked to conduct a study on the needs of the elderly in Berkeley. She was shocked at what she found. From her findings, she recommended that the city set up a division on aging so that it could tie in with similar state and federal networks. Then she recommended that she become the division's first chief. During her tenure, she helped create three multi-purpose senior centers, the first ones in the area.

When she and others saw a need for housing for the minority elderly, she went to the Progressive Black Business Women in the East Bay, which she had helped create years before. She felt that something had to be done.

Within four years they helped build and manage Sojourner Truth Manor, a non-profit low-income elderly housing development in Oakland.

Now, the National Council of Negro Women California State Mechanism will present a Conference on Children Having Children, June 1 and 2, at Laney College, 900 Fallon Street, Oakland. Registration is from 11 a.m. to 1 p.m. Friday, June 1. Key-note speaker is Dr. Wade Nobles. On Saturday, June 2, registration is at 8 a.m. and key-note speaker is Johan Klehs, Assemblyman.

The objective of the conference is to examine the causes contributing to the disproportionate number of Black adolescents having babies; to examine more effective preventive strategies which can be utilized to impact on Black adolescents having babies; to impact on policies and services affecting young parents; to strengthen Black women's energy and organizational networks to work more effectively to prevent and alleviate this perplexing phenomenon; and to improve the image of teenagers.

Pitts left for Washington to participate on the Board of the Older Women's League on Monday, May 14. While there, she said, she will address the issue of children having children. Moreover, Pitts has been disappointed with President Ronald Reagan's fulfillment of some of his campaign promises. Concerning the funds granted to the Progressive Black Business Women, Pitts said, "We didn't get the kind of assistance we needed to learn how to manage and complete the job, and we are now in catch twenty-two because they have cut the funds and an accountancy report is due. As we do not have the money to pay an accountant, I will go to the EDA office to see what happened," Pitts said. Pitts said that the State of California never gave them enough money to operate on. "We need straight money instead of government funds," she said.

Now, at the golden age of 71, six years after her official retirement, the "activist" is still working to improve the quality of life for others.

On May 10 Alumnae Resources of San Francisco, a non-profit organization founded to provide career development services to women, honored Dorothy Pitts for her achievement, vision and excellence.

According to Pitts, Mary McLeod Bethune had a dream, and that dream, according to Pitts, was to mobilize all women under one umbrella. When you have all of them working together, however, she stated, it is very difficult to get all the women, especially those with so many diverse interests, to come together. However, she said, during the last two conferences, she has been able to do just that, especially on the matter of children having children.

"Children having children is one of the major problems in the Black family," Pitts said. "There are children ages eight and nine having children," Pitts continued, "and that is what shocked me."

"The question is being raised in the community," said Pitts. "This is a consciousness raising period, educating the community to address the question by educating children so as to prevent the pregnancies of those nine, ten, and under sixteen years because

the health of the children is terrible," Pitts continued. Moreover, Pitts contends that it is important to get the cooperation of parents, education and legislatures, and to get the male or the father to help with the children and with setting up support services for the mother.

For more information regarding Black women and the conferences, call Dorothy Pitts at 529-1383 or 843-5790. ●

INDEPENDENCE FOR THE SOCIAL SECURITY ADMINISTRATION

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. ROYBAL. Mr. Speaker, today a number of my colleagues and Senators PRYOR and RIEGLE in the other body have joined together to introduce legislation to reorganize the Government for the purpose of establishing an independent Social Security Administration [SSA] governed by a bipartisan board.

There have been several examples in the last few years of the need for an independent Social Security Administration. The disaster that befell hundreds of thousands of terminated disability beneficiaries would not have occurred had SSA been more concerned with its historical mission and less worried about short-term budget savings. The egregious errors of the disability process are so severe that SSA's own employees rallied against them, and its association of administrative law judges have sued HHS alleging that they are forced to deny benefits to certifiably disabled beneficiaries.

The retroactive elimination, and subsequent restoration of minimum benefits could have been avoided had high SSA officials been independent enough to advise the Congress of the true effect and impracticality of this proposal. Also the method by which the administration has frightened old and sick people who are inadvertently overpaid brings no credit to anyone.

A proposal such as that put forth last week by the Congressional Panel on Social Security organization establishes an independent agency without a strong governing board. This will neither reestablish SSA's lost integrity nor revitalize its administrative capabilities. Such an organizational structure may even make it easier for the Office of Management and Budget to cut Social Security benefits and further cripple SSA employees' ability to get the job done.

Our proposal establishes an independent Social Security Administration, governed by a bipartisan board, which will ensure that the excessive and disturbing actions of the past few years will never be repeated. This structure is similar to the original or-

ganization of the agency prior to its inclusion in the Department of HEW [now HHS] during the Eisenhower administration. Under our plan, five board members would be appointed by the President for staggered 10-year terms. The Commissioner will be the chief operating officer appointed by the board for a 5-year term. During his/her term the Commissioner can only be removed for gross mismanagement or improper conduct. Our proposal also establishes an Inspector General's office, a public Ombudsman and a permanent Citizens' Advisory Committee.

The debate on this issue has just begun. As the discussion proceeds, we may need to refine some of the proposals in this legislation and to focus on other issues not encompassed within this bill. The growing concern for the independence of the administrative law judges [ALJ's], who many perceive as being pressured to deny benefits by management under the current structure of a Presidentially appointed Commissioner, is less likely to occur with a Board-appointed Commissioner and Chief ALJ. However, the final legislation might ensure even more independence for the ALJ's by establishing an independent Review Commission as suggested in H.R. 3541 introduced by Mr. WISE in the House and S. 1911 introduced by Senator PRYOR.

I am encouraged by the interest shown by members of the Aging Committee who are also members of the relevant legislative committees and I encourage my colleagues to review it on the merits and to cosponsor it.

Mr. Speaker, I insert a copy of the proposed organizational structure into the RECORD at this point.

AN INDEPENDENT SOCIAL SECURITY AGENCY

1. GENERAL STRUCTURE AND RESPONSIBILITY

Remove the Old Age, Survivors and Disability Insurance programs plus Supplemental Security Income from HHS and place them under a free standing Social Security Agency. (Leave Medicare/Medicaid, Refugee Resettlement, AFDC, Energy Assistance and Child Support Enforcement in HHS).

The Agency is governed by a five member Board of Directors which appoints a single Commissioner to a five year term. A public Ombudsman represents citizen concerns expressed by a nine member Citizens' Advisory Committee. An Inspector General assesses Agency performance.

The management of the Agency is strengthened by giving it greater flexibility and independence from GSA and OPM as recommended by the Staats Panel.

2. THE BOARD OF DIRECTORS

Membership

Five members nominated by the President and confirmed by the Senate for ten year terms staggered so that one term expires at the end of each even numbered year. The Chairman is appointed by the President. (Three initial board members are appointed to terms ending in 1989, 1991, and 1993. Two additional board members are added in 1989 with terms expiring in 1995 and 1997). Re-

moval during term requires a finding of neglect of duty or malfeasance by the President which must be transmitted in writing to Congress in five days.

Responsibilities

(A) To govern the Agency through regulation.

(B) To appoint a Commissioner to be the Chief Operating Officer.

(C) To act as Trustees for the Social Security Trust Funds. Other Trustees are the Secretaries of the Treasury and HHS and two public members required by the 1983 Amendments.

(D) To make budgetary recommendations and defend such recommendations before the Congress.

(E) To provide analysis, information and recommendations to the Congress and the President on proposed changes in Social Security programs.

(F) To conduct policy analysis and research.

Due to the board's responsibilities, its staff includes SSA's current Office of the Actuary, Office of Policy, and Office of the General Counsel.

3. THE COMMISSIONER

The Commissioner is appointed by the Board to a five year term (except that the first term ends December 31, 1989). Removal during the term requires a majority vote of the full Board following findings of neglect of duty or malfeasance which must be transmitted in writing to the Congress within five days.

Responsibilities

(A) To be the chief operating officer responsible for administering Social Security programs in a manner consistent with law and regulations.

(B) To devise and implement long-run plans to improve the effectiveness and administration of these programs.

(C) To organize and maintain an efficient and effective operational structure. Such structure shall include a separate Office of Hearings and Appeals headed by a Chief Administrative Law Judge nominated by the Commissioner and appointed by the Board to a five year term (except that the initial appointment ends December 31, 1990). Among other qualifications, the chief ALJ must have at least five years experience as an ALJ in SSA.

(D) To prepare and defend the administrative budget and special administrative initiatives before the Board and the Congress.

(E) To advise the Board and the Congress of the administrative impact of legislative changes in Social Security programs.

(F) To act as Secretary to the Board of Trustees.

(G) To make an annual report to the Board and the Congress on the administrative endeavors and accomplishments of the Agency.

One organizational structure a Commissioner at his/her discretion might establish could include officers for: (1) Program Operations; (2) Field Operations; (3) Central Operations; (4) Management, Budget and Personnel; (5) Computer Systems; (6) Assessment and Evaluation; and (7) External Affairs.

4. THE OMBUDSMAN

An Ombudsman is appointed by the Board to a 5 year term (except that the initial term ends December 31, 1991). Removal during term requires a majority vote of the full Board following findings of neglect of

duty or malfeasance which must be transmitted in writing to the Congress within five days.

Responsibilities

(A) To represent the concerns of the public, including beneficiaries, to the Board and Commissioner and to the President and the Congress.

(B) To provide staff support to a permanent Citizens' Advisory Committee which issues a biennial report to the Congress assessing Social Security programs, financing and administration.

(C) To make such studies and surveys of administrative effectiveness and program policy goals as he/she deems proper and as requested by a majority of the members of the Citizens' Advisory Committee.

The Citizens' Advisory Committee consists of nine part-time members appointed for staggered three year terms with its chairperson elected by the Committee for a one year term. The Speaker of the House, the Majority leader of the Senate (in consultation with the Chairman of the Committees of Government Operations, Ways and Means, Government Affairs, and Finance) and the Chairman of the Board each appoint three members to be equally representative of beneficiaries, employers (including the self-employed), and employees.

5. the inspector general

An Inspector General, nominated by the President and confirmed by the Senate, is established pursuant to the Inspector General's Act of 1978 as amended.

6. Other

The legislation includes a statement of a beneficiary's "bill of rights".

The legislation incorporates the recommendations of the Staats Panel on Social Security organization with regard to strengthening management. These recommendations: 1) base SSA personnel budget on a workforce plan rather than a personnel ceiling; 2) allow SSA greater authority for computer acquisition and property management; and 3) allow SSA greater flexibility in recruiting new employees and compensating senior executives.

The Board, GAO, and the Secretary of HHS are required to report to the Congress in five years an assessment of these organizational changes.

CONSTITUENT REMEMBERS PREWAR POLAND

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. KOLTER. Mr. Speaker, in my district there are a great many people who can trace their roots across the Atlantic Ocean to the countries of Europe. This month marks the 40th anniversary of D-day, that day when allied forces began the liberation of much of Europe. It was a great and heroic time for this country and for those people, like the ones in my district who are of European descent.

Unfortunately, much of Europe was not completely freed. The nations of Eastern Europe found that their Nazi overlords were soon to be replaced by Russian masters. But freedom still

lives in those countries, in the hearts and minds of the citizens.

One man remembers. Jerzy Patejak, from Wampum, PA, is a scholar of sorts, and an American proud of his Polish heritage. His recollections of life in prewar Poland are vivid and enlightening accounts of a vibrant culture before the catastrophe. His opinions are colored by his great knowledge and passion for Poland.

Freedom of speech and its natural companion, freedom of the press, are very fundamental rights of every member of the free society. But those freedoms are not absolute and if not legal then moral restrictions must be self-imposed in the presentation of facts damaging to someone's reputation. No newspaper should be free from this guideline. It is therefore very distressing when a reputable newspaper like The New York Times lends its pages to statements damaging to Poland's reputation, which verges on propaganda.

Mr. Rosenthal's article in The New York Times Magazine on August 7, "The Trees of Warsaw" full of sympathy for Poland, the country which gallantly contributed to the allied victory, only to lose its freedom at the conference table. The statement "Poland lives in its history, nationhood, patriotism, miracles, dreams, defeats, hopes," should include one more characteristic, "and determination to be free at any price."

If love of one's country is not fashionable today, the Poles will rather continue with this outmoded virtue. The statement that hope makes the Polish nation stay alive does not fit the present situation though the hope of success is a necessary ingredient of any undertaking. Hope alone is a passive phenomenon which makes people expect that some supernatural force will change the situation. In other words, miraculous fulfillment of one's expectations.

Unfortunately, we Poles do not have such miracles. What history documents, however, is heroic stands of the defenders, like the Siege of "Czestochowa Shrine," which shook the nation and sparked the determination to liberate Poland from the Swedish invaders. We also call the victory of the Polish army over the U.S.S.R. invaders as "Miracle on the Vistula" to emphasize how the imminent collapse of Poland was turned by the will of one man and determination of poorly armed soldiers into a decisive victory.

As a child I remember the distant rumbling guns on the doorstep of Warsaw only to notice a few days later hordes of "Red Prisoners" marching through the streets of Warsaw. Yes, that was a miracle, but not in the supernatural sense, a miracle which saved not only Poland, but also stopped Communism from reaching the Rhine. 150 years of "the nonexistence of the Polish state" with 3 unsuccessful uprisings against the major oppressor Russia, constant conspiracies punishable by the lifetime free accommodation in the Siberian salt mines, those were not the signs of blind hope, but rather proof of an unyielding determination to be free. And now again the poor nation, sold to the ancient enemy, manifests its determination to be free, rejects any cooperation with the puppet Polish regime on the terms dictated in Moscow.

It is regrettable that the article, which shows a great deal of sympathy for the sufferings of the Polish people, could not limit itself to this subject only. His statement about Polish anti-Semitic feeling before the War implies that the present suffering is an

atonement for past transgressions. I do not know how well acquainted the writer is with Jewish history in Poland. I only would like to mention that Jews in Poland enjoyed a great deal of freedom, never subject to any master, except the Crown.

In comparison with the peasants who lost their freedom of movement to the landowner, the Jew was free to arrange his life without anybody's interference. No wonder that over the centuries Jews persecuted in other countries found the refuge in Poland. 3½ million Jews, a population larger than in the rest of Europe could not possibly grow to this size in the atmosphere of hostility. On the contrary, it was the Jewish population which did not choose to become a part of the integrated Polish community. The wish for the autonomy for all Jews living in Poland and its denial by Polish government, did not improve the situation. Yiddish was their daily language though their roots went back many generations.

It would be foolish to pretend that anti-Semitic feelings did not exist, but it was often ignited by the strong anti-Polish feeling of the members of the Jewish community, which tended to look on Poland as a place of business only. This is not to say that some, especially those whose roots went back many centuries, did display not only loyalty to the country they lived in, but were ready to pay the highest price one can offer in defending the land of one's ancestors. But, unfortunately, the great majority did show total indifference or outright hostility to the Polish people.

The students, young and easily excitable, aware of the cultural differences, incited by provocateurs, would from time to time vent their anger in violence. But those were rather isolated cases, confined mostly to university towns and always dealt with firmly by civil authorities. At no time to my recollection, did the Polish government yield to the students' demands to limit admission to an institution of higher learning, based on the population ratio or any other forms of discrimination.

One can study the lists of "Practicing Attorneys, Physicians and Dentists" to get the true picture of any discrimination. How many Jews born and educated at Polish universities are now guiding the destiny of Israel or enjoying a good living in this country? They are living proof of the Polish government's anti-Semitic policy. Furthermore, to characterize the prewar Polish government as "cavalry minded Fascists," one is to put them side by side with Hitler, Mussolini and his followers.

Poland was not a perfect democracy. The incidents of government overreaction to provocation did exist. The press did not enjoy absolute freedom. But despite these restrictions, the Parliamentary opposition existed with its own newspapers available for sale at any newspaper stand.

Satirical publications enjoyed great latitude of freedom with the government often a subject of ridicule. No one was ever incarcerated without due process of law, except for members of the outlawed Communist Party, detained until the court's final verdict. Education, the main tool of any dictatorship to shape the minds of the young, was not politicized. The universities, "the hot beds of political activities," maintained their centuries-old freedom of self-government, with territorial integrity undisturbed. That does not sound like a dictatorship, Mussolini's style, or does it?

We do accept the journalistic freedom of interpretation of facts and expression of

one's opinion, but feel very uneasy when these freedoms start to follow the "Volkischer Beobachter" or "Pravda" thinking.●

FRIENDS OF THE CLOSE UP FOUNDATION

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. JONES of Oklahoma. Mr. Speaker, the outstanding work of the Close Up Foundation and the educational experiences it provides for thousands of young people across the country could not be possible without strong support from business and the private sector of America. Recently the publication, Update, published a statement by J. Tylee Wilson, chairman and chief executive officer of R.J. Reynolds Industries, Inc., which is one of the loyal financial supporters of Close Up. Because of the meritorious statement which Mr. Wilson makes, I insert this statement in the RECORD:

R.J. REYNOLDS SUPPORTS FOUNDATION

(By J. Tylee Wilson)

"At R.J. Reynolds Industries, we are committed to supporting activities and programs that help young people become more active citizens and more informed voters. We believe that the Close Up Foundation provides students with just such an opportunity.

"Close Up's program of seminars, question and answer sessions, classroom work and on-site briefings adds a new dimension to students' understanding of what goes on in their state and federal governments. Young people who understand the legislative process are more inclined to participate in it. And citizens who participate in their government are helping to ensure that the decisions that are enacted into law accurately reflect the feelings of the people.

"R.J. Reynolds Industries is the largest private sponsor of the Close Up Foundation. In 1984, our contribution to Close Up will exceed \$850,000.

"We see our investment in Close Up as a long-term investment in this country's quality of life. By spending money now to help young people become more involved in the political process, we hope that they will make informed decisions as voters. In this election year, we are reminded how critically important an active and informed electorate is to the future of America's citizens and business community.

"The American educational system has received much criticism lately. RJR sponsors programs nationwide at strengthening our schools and educators. But I think we make a serious mistake if we put the entire responsibility for educating our young people on the school systems. Programs like Close Up are an exceptional learning experience. Adults and students need to be reminded that learning is a lifelong process, and the portion of our education that we receive in a classroom, though important, is only a part of the process.

"R.J. Reynolds Industries' commitment to leadership development and citizenship education is an important facet of the role we play as a responsible corporate citizen. We

are proud of the programs that we support. And we are especially proud to count an outstanding organization like the Close Up Foundation among them."●

PRINCE WILLIAM SOUND FEDERAL PILOT REQUIREMENTS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation to clarify the Federal pilot requirements for Prince William Sound, AK.

The current Federal requirement is that vessels en route to the Port of Valdez, AK, take on a Federal pilot at Hinchinbrook entrance and that departing vessels keep the pilot on board until clearing Hinchinbrook entrance. However, vessels currently pick up and drop off pilots in Valdez Arm, 60 miles closer to Valdez inside Prince William Sound from the Hinchinbrook entrance. The reason for this is safety. The waters of Hinchinbrook entrance are usually too rough to permit the safe boarding of a pilot at that point. In fact, a pilot boat sank and a pilot was nearly lost during a transfer. The Hinchinbrook entrance is wide enough to permit even the large tankers to transit without a pilot and without creating any risk of a collision or grounding.

Further, once in Prince William Sound, vessels must observe the vessel traffic separation regulations of the Coast Guard which ensures the safe passage of vessels to and from the entrance to Valdez Harbor without a pilot. It is at the Valdez end of the vessel traffic lanes that the pilots are put on board to navigate a vessel into the pipeline terminal. Thus, the boarding of a pilot at or near Rocky Point inside Prince William Sound permits the safe boarding of a pilot at the point when a pilot is truly necessary for the safe navigation of a vessel.

In April, the Coast Guard and Navigation Subcommittee of the Merchant Marine and Fisheries Committee held hearings in Alaska and also conducted a field investigation of various Coast Guard facilities. The Coast Guard Subcommittee traveled to Valdez to investigate the Coast Guard marine safety activities regarding the pipeline terminal operations. It was at that time the subcommittee became aware of this dangerous situation created by a strict interpretation of current law. This legislation should correct this by clarifying that current practice is permitted. In doing so, it provides for the safe passage of vessels throughout Prince William Sound as well as ensures the safety of individual pilots.

The bill makes no substantive changes in the Federal pilot requirements in current law or the regulatory

authority of the Coast Guard, except for permitting the Secretary of Transportation to determine by regulation those points in Prince William Sound where pilots are not needed. The reformation of subsection (a) is merely technical in nature. Specifically, the bill I am introducing today would direct the Secretary of Transportation to designate the areas of the approaches to and waters of Prince William Sound on which a vessel would not be required to have the Federal pilot that current law seems to require. Thus, this would permit the Secretary of Transportation to avoid the unsafe requirement of requiring a pilot to board at Hinchinbrook entrance.●

THE REVERSAL OF CIVIL RIGHTS IN THE 1980'S

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. RANGEL. Mr. Speaker, I rise to discuss a very important issue, one which was raised recently by the attorney general of New York State, Mr. Robert Abrams. Mr. Abrams, a respected public servant who has a fine reputation in the legal profession, has made a very revealing observation.

In light of the current administration's record on civil rights, Mr. Abrams points out how gains made under the Civil Rights and Voting Rights Acts are now in jeopardy. Enforcement of these acts is being hampered by administration resistance to Federal involvement in civil rights. This distressing attitude is dangerous, and will hamper the gains of those who have historically fought for their basic civil rights.

The attorney general has done extensive work in this area, and has concluded—using empirical data—that the Reagan administration is allowing certain inconsistencies to occur. This attitude disregards past legislation by adhering to the strict letter of the law in instances that are favorable, and overlooking other areas when convenient.

Civil rights require constant monitoring and consistent enforcement. I trust my colleagues will examine the material at hand and work toward protecting the constitutional rights of all citizens.

[From the New York Law Journal, Apr. 25, 1984]

ATTORNEY GENERAL FAULTS REPUBLICANS ON CIVIL RIGHTS

(By Robert Abrams)

The Reagan Administration came to office advocating judicial restraint and the "strict construction" of the Constitution and laws of the United States. At the same time, the President and his appointees all took oaths to uphold the Constitution and laws, and presumably understood that they were

bound to uphold those provisions as interpreted by the Supreme Court of the United States. However, in the area of civil rights, among others, and particularly on the subject of affirmative action, this Administration has been anything but a proponent of judicial restraint or an advocate of strict construction. In fact, under the leadership of William Bradford Reynolds, the head of the Justice Department's Civil Rights Division, the Administration has abandoned positions taken by prior administrations of both parties and endorsed by Congress and the courts and has sought to enlist the federal courts and the Supreme Court in its own form of judicial activism—a re-interpretation of the laws and a reversal of decisions which have allowed advances toward equality for members of racial and ethnic minority groups.

Beginning in the 1960's, Congress enacted civil rights laws to give meaning to what for too many years had been the empty promise of equality embodied in the Thirteenth, Fourteenth and Fifteenth Amendments of our Constitution. These laws prohibit discrimination on the basis of race, color, and national origin in employment, voting, housing and public accommodations. Relying on these laws, courts again and again struck down barriers to racial intergration in every aspect of American life. Substantial and visible change began to take place.

ENFORCEMENT MECHANISMS

Though the drama ebbed, change continued to take place in workplaces, voting booths, schools and communities throughout the land, as courts and legislatures began the difficult task of developing the enforcement mechanisms needed to overcome discrimination deeply embedded in hiring and promotion decisions, in college admissions practices and in a wide range of decision-making processes. By the mid-1970's, the courts recognized, as Justice Blackmun explained in his concurring opinion in *Bakke*: "[I]n order to get beyond racism, we must first take account of race. There is no other way. And in order to treat some persons equally, we must treat them differently . . ." Accordingly, courts required civil rights violators to undertake race-conscious affirmative action to eradicate the effects of their past discriminatory practices.

Throughout the 1970's courts grappled with the question of the circumstances under which our Constitution and statutes require (or permit) race-conscious remedies to combat discrimination. In 1979, in *United Steelworkers of America v. Weber*, the United States Supreme Court held that Title VII of the Civil Rights Act of 1964, the Federal fair employment statute, does not prohibit voluntary race-conscious affirmative action plans. In 1974, the Kaiser Aluminum and Chemical Corporation adopted an affirmative action plan to integrate black workers into its craft work force, which was then almost exclusively white. The plan established an in-plant training program and reserved 50 percent of the openings for black employees. Brian Weber, a white worker challenged the plan, charging that it discriminated against him in violation of Title VII. The Justice Department under President Carter and the Equal Employment Opportunity Commission ("EEOC") submitted an *amicus* brief that Title VII permits race-conscious actions such as those undertaken by Kaiser, and a majority of the Supreme Court agreed.

Now, abandoning the Federal government's position of the last 30 years and ignoring the clear precedent of Weber, and scores of other federal court decisions, the Reagan Administration and Assistant Attorney General Reynolds state that under no circumstances will the United States Justice Department support, much less advocate, race-conscious affirmative action. The Justice Department's position that Title VII and the Constitution forbid all race-conscious affirmative action is not supported by statute or case law. That view did not prevail in the Supreme Court and has never been adopted by Congress. Nevertheless, it is the view that this Administration has pledged to defend, and indeed the record shows that the Administration has vigorously advocated this view whenever possible as intervenor, plaintiff and amicus curiae.

Last year, for example, the Justice Department filed an amicus brief in the Supreme Court challenging a voluntary race-conscious affirmative action plan adopted by the City of Detroit. Under the plan, promotions from the rank of sergeant to lieutenant were to be divided equally among black and white police officers until 50 percent of the lieutenants were black. The plan had been created, as the Justice Department acknowledged in its brief, in response to "undeniable past discrimination against blacks that had created a police force that was largely unresponsive to the concerns of a substantial portion of the City's population." Despite this factual predicate and the holding in the Weber case, the Justice Department took the position that the action by the City of Detroit could not be sustained under the relevant statutes nor squared with the Constitution.

The Reagan Administration's action in the Detroit case is not an isolated incident. The Justice Department has also opposed court orders preventing the layoff of minority firefighters in the cities of Boston and Memphis. Although the layoffs would have thwarted the attempts of the cities to integrate their respective fire departments and perpetuated their past discriminatory practices, the Federal government opposed the court orders characterizing them as the "archetypical form of relief" Congress intended to prohibit under Title VII. Similarly, the Justice Department intervened in a 10-year-old case involving New Orleans and its black police officers after the parties had agreed to a consent decree with a race-conscious promotion plan. Not only did the Justice Department argue against a solution adopted by local authorities to solve a local problem, but it prevented the EEOC from filing an amicus brief in the case which would have argued that the position of the Department of Justice was incorrect. To advocate its particular philosophy of equality, the Justice Department sacrificed the rule of law, and denied the public and the court the benefit of the expertise of the EEOC.

Indeed, so determined is the Executive Branch to ensure that its philosophy prevails, that it has changed positions in the midst of litigating a single case. In 1981, the Justice Department under President Reagan negotiated and the Federal court approved a race-conscious affirmative action plan to increase the hiring and promotion of blacks in the police and fire departments in Birmingham, Alabama. The Justice Department has now joined white employees in challenging the very decree it wrote, signed and was instrumental in having approved by the Court.

ABOUT-FACE STRATEGY

One need not travel as far as Birmingham to find examples of the Federal government's about-face litigation strategy. We in New York have also been the victims of this erratic practice. In 1971, the Justice Department under the Nixon Administration sued Local 28, the New York local of the Sheet Metal Workers' International Association, to enjoin its racially discriminatory practices. New York City and New York State joined the Justice Department. And in 1975, after a three week trial, the federal court in Manhattan found that the union had long discriminated against black and Hispanic workers in violation of Title VII and ordered it to increase its minority membership from 3 percent to 29 percent by 1982. In 1982, when the union's minority membership was only 10.8 percent, the City and the State, supported by the EEOC, moved for contempt. The district court found the union in contempt and ordered it to indenture one minority apprentice for each white apprentice until the union's minority membership reached 29 percent. The case is currently on appeal and the EEOC, now remolded in the Reagan Administration's own image, states in its brief: "Although the EEOC improperly supported the imposition of the 1 for 1 indenture ratio in the district court, we urge this court to vacate the ratio . . ."

In every area of civil rights law, the Reagan program has been implemented with a vengeance. That program seeks to restrict the remedies available to victims of discrimination and to narrow the reach of Federal civil rights laws, and to do so notwithstanding established legal precedent. Equality in education, housing and voting has fared no better than in employment.

Thirty years ago in *Brown v. Board of Education*, the United States Supreme Court held, in explicit terms, that state imposed segregation by race in this nation's public schools denies equal protection of the laws. In the ensuing years, the Supreme Court grappled with the question of remedy, and concluded, *inter alia*, that school boards have the burden of developing desegregation plans that work now. "Freedom of choice" plans are unacceptable if there are other plans reasonably available, which promise a speedier and more effective conversion to a unitary, non-racial school system. More than ten years ago in *Swann v. Charlotte-Mecklenburg Board of Education*, Justice Burger wrote, for a unanimous Court, that mandatory school busing is one technique available to integrate school systems. The *Swann* decision remains the law today. Nonetheless, it is the policy of the Justice Department to reject any form of mandatory reassignment of students and rely entirely on freedom of choice plans to remedy unconstitutional segregation. In the words of the Justice Department's chief civil rights attorney: "We are not going to compel children who don't choose to have an integrated education to have one." In essence he is saying that the Justice Department will not enforce the law.

As in the area of employment discrimination, the Administration's opposition to busing, no matter the circumstances, has caused it to change sides in case after case—arguing against court-ordered busing where previously it had advocated busing. Indeed, it now takes the extreme position of opposing voluntary busing plans as well. In *Washington v. Seattle School District*, the Justice Department unsuccessfully argued to the United States Supreme Court in favor of a

Washington State law that restricted voluntary local attempts to achieve desegregation by busing.

TAX-EXEMPT STATUS

The Justice Department's failure to enforce the law in the area of school desegregation goes beyond the issue of busing. In January, 1982, the Treasury Department announced that it would reverse an 11-year-old policy, initiated by the Nixon Administration, of denying tax-exempt status to racially discriminatory private schools. To support this startling pronouncement, the Administration claimed that Section 501(c)(3) of the Internal Revenue Code did not authorize the Treasury Department's rule denying the tax exemptions. In fact, both Congress that drafted Section 501(c)(3) and the Judiciary that interpreted it had years earlier held to the contrary.

In 1970, after an adverse court decision, the IRS announced that pursuant to Section 501(c)(3) of the Internal Revenue Code it would no longer allow tax-exempt status to any private school in the nation which practiced racial discrimination. This IRS ruling was subsequently affirmed by the courts, which held that the Internal Revenue Code requires the denial and elimination of Federal tax exemptions for racially discriminatory private schools, and for the next eleven years the IRS staunchly defended its interpretation of the Code, and Congress repeatedly endorsed the interpretation adopted by the IRS. Nonetheless in 1982, with the issue pending in the United States Supreme Court, the Justice Department concluded that the IRS overstepped its authority in promulgating its tax exemption policy and filed a brief with the Court advocating a 180-degree reversal of the position advanced by the Nixon, Ford and Carter Administrations.

The Justice Department's position was rebuffed in the strongest terms by the Supreme Court in an 8-to-1 decision finding the IRS interpretation "wholly consistent with what Congress, the Executive and the courts had repeatedly declared . . ." Indeed, Justice Burger wrote, it would have been "anomalous" for the IRS in 1970 to "blissfully ignore" the policy on racial discrimination adopted by all three branches of government. It was no less anomalous for the Justice Department to do so in 1982.

ADMINISTRATION'S FAILURE

Fortunately, to date, the Administration has not prevailed in any of the cases mentioned in this article nor in the vast majority of others where it has urged a reinterpretation of established civil rights precedent. However, the devastating potential of the Administration's continued legal advocacy of its civil rights philosophy must not be ignored. At stake is the effectiveness of our civil rights laws. At stake is the still unfulfilled promise of equality of opportunity in education, housing and employment. And that is not all. By advocating positions authorized neither by Congress nor the courts, the Administration has invited disrespect for our laws and has abdicated its constitutional responsibility to enforce the law. Although the Administration's commitment to equality has waned, ours must not. ●

WEST VIRGINIA—121 YEARS AGO TODAY

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. STAGGERS. Mr. Speaker, 121 years ago there occurred three events that changed the course of American history. In the year 1863, the Battle of Gettysburg was fought, Abraham Lincoln issued the Emancipation Proclamation, and West Virginia became the 35th daughter of the American Union.

Long before the outbreak of the Civil War, the people of what is now West Virginia were known for their patriotism and rugged individualism. The decision on the part of the western Virginia counties not to join in seceding from the Union was an affirmation of the loyalty citizens felt to their Nation. Following the adoption of a State constitution, Congress admitted West Virginia to the Union on June 20, 1863—121 years ago today.

The contribution made by the newly admitted State during the severest test of our national strength is something all West Virginians can be proud of. Prior to admittance, President Lincoln noted:

We can scarcely dispense with the aid of West Virginia in this struggle; much less can we afford to have her against us, in Congress and in the field. Her brave and good men regard her admission into the Union as a matter of life and death. They have been true to the Union under very severe trials.

Some 30,000 West Virginians were to serve in the Union Army during the War.

As we celebrate the birth of our great State, I am proud to call attention to the guiding principle that provided the seed and continues as the underlying strength of West Virginia and her people, which is best summed up by the State motto—"Mountaineers are always free." The freedom that guided the State's founders to declare independence is the same freedom that gives us hope for the future.

West Virginians are equally an important part of our national fabric. The State enjoys one of the proudest records of contributions made to our Nation's defense in war and in peace. Our vast supplies of coal, oil, and natural gas have helped to forge the great industrial machine known as America. The workforce, second to none, provides business and industry with individuals who are as dedicated as they are capable. Our natural heritage, as rugged as the mountaineers who first explored the State, continues to enthrall visitors.

It is a great honor for me to salute my home State on this noteworthy occasion. I am confident that the progress made in West Virginia since

its founding will only be surpassed by its future.●

CHUCK NORMAN FILIAGA

HON. FOFO I. F. SUNIA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. SUNIA. Mr. Speaker, I am pleased today to honor the third recipient of the Presidential Scholars Program from the Territory of American Samoa.

Chuck is a recent graduate of Samoa High School where he served as the president of the student government. He was also inducted into the national honor society. He served as an editor for his high school yearbook and provided volunteer work for handicapped children. He is also an active member of his church youth group.

Mr. Filiaga is the son of Manaia and Joeanne Filiaga of Amaua. He is becoming quite familiar with Washington, DC, since he and his brother Carl were among seven seniors selected to participate in the recent Close-Up Program here in Washington.

I join the people of the Territory of American Samoa in expressing to you the pride that we hold for Chuck's achievements and academic success. He has set a fine example for his peers and for other American Samoan students who are striving to attain excellence.

When Chuck receives his Presidential scholar medallion at the White House, he can do it knowing that we all are proud and supportive of the hard work that he has done and wish him the best in all his future endeavors.

In a larger sense, I hope that Chuck will remember that our territory can also be a beneficiary of this program and his work. By recognizing him, the United States reaffirms the commitment to our young people to lead lives of challenge, accomplishment, and fulfillment. We all look forward to his continued success.●

A TRIBUTE TO REV. PHILIP W. SOMERS, SR., OF CLARKSTON, MI

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. CARR. Mr. Speaker, I rise today to recognize and praise the accomplishments of an extremely special person, a man who has dedicated his life to serving God and the people of Michigan. On June 30, 1984 the Reverend Philip W. Somers, Sr., will retire from his duties as pastor of the Mar-

anatha Baptist Church in Clarkston, MI, where he has served for the past 17 years. His dedication to Clarkston has been amply demonstrated through his work in community service and his great concern for the welfare of his parishioners.

In his efforts to build a stronger community, Reverend Somers has served as a chaplain in local hospitals and as chaplain and Bible instructor in prisons across the State. During his 35 years in the ministry in my State, he has also served at the local and State levels as an officer in the Michigan Pastors Association. Reverend Somers is nationally recognized as a friend to pastors and missionaries around the world. Throughout all of his many other responsibilities, however, he has provided inspirational and faithful leadership to his congregation.

Reverend Somers has many other qualities that have made his ministry a unique asset to our community. He has combined his Christian beliefs with the fine sense of patriotism. He is a stalwart in his belief in our country's heritage of democracy, and every Memorial Day recites the Gettysburg address for his congregation. He is also an accomplished student of scriptural history, and has taught the Old Testament for more than 11 years in the Birmingham Bible Institute. But perhaps most importantly, he is an outstanding family man, raising four children, three sons and a daughter. His sons have followed in his footsteps, and are active in religious service.

Reverend Somers has set a fine example for his family, the community, and our State. We are sorry to see him retire from the active service that has so richly benefited many people, but we wish him the best as he begins to take a new step in his life.●

SGT. BILLY FINLEY TO BE HONORED ON JUNE 26

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. DURBIN. Mr. Speaker, today, I am introducing a resolution with my colleague, Mr. Hopkins of Kentucky, to honor one of our Nation's heroes, one of its most decorated soldiers of World War II and a man who is being honored on June 26 by the citizens of Cherbourg, France.

Sgt. Billy Finley of Decatur was typical of many young men who answered a desperate nation's call in the early 1940's. He dropped out of high school to enlist in the Army. He served with distinction on the field of battle.

As a participant in the liberation of Cherbourg on June 26, 1944, Sergeant Finley so impressed the residents of that community that, 40 years later,

when they made plans to commemorate the day, he was selected as representative of America's fighting men.

On June 26, Sergeant Finley's three sisters will be in Cherbourg to participate in the ceremonies honoring their brother, who was killed in action only a few weeks before the war in Europe ended.

This resolution calls public attention to Sergeant Finley's contributions both on the field of battle and in the arena of good relations between nations. It also publicly honors his sisters for their brother's outstanding example of courage and humanity.

Mr. Speaker, I view this resolution in a larger context. Just as Sergeant Finley represented America's soldiers and sailors to the people of Cherbourg, I believe his example is one that we should honor as representative of all his comrades.●

ITC DECISION ON FOOTWEAR IMPORTS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. JONES of Tennessee. Mr. Speaker, recently the International Trade Commission voted against temporary relief for the American footwear industry. In fact, the ITC ruling denied that the footwear industry in our country had even been injured by imported footwear. That decision was an erroneous one and one that will have a continued negative impact on the footwear industry in my State as well as in our country.

In 1981, President Reagan did not extend the marketing agreements that were initiated earlier to assist the footwear industry and its workers. Since that time, production in the industry has dropped by 13 percent; 70 percent of shoes in the U.S. market are imported compared with 51 percent in 1981; and employment in the footwear industry dropped to 132,700, the lowest level in history.

The footwear industry petitioned the International Trade Commission back in January for relief under section 201 of the 1974 Trade Act. This requested relief was in the form of a temporary, 5-year period of quotas on nonrubber footwear from all foreign sources. The relief was simply to allow the footwear industry to compete fairly and to allow jobs that stem from this industry to remain intact.

In Tennessee, the footwear industry employs about 10,600 people making it the fourth most important footwear-producing State in the Nation. This industry also ranks seventh among all manufacturing industries in the State. Since 1981, the number of people employed in it has decreased by 16.3 per-

cent. Of the 15 counties in my congressional district, this industry is the major employer in one, is the second major employer in another county, and significantly contributes to employment in five other counties.

This negative action by the International Trade Commission could prove to be devastating to the shoe industry. With so many people dependent on this industry for employment, it is inconceivable to me why a recommendation for a temporary quota was not granted. The over 200,000 employees of the industry in the United States and the 10,600 employees in Tennessee deserve action to help this depressed domestic industry; not to insure its eventual elimination.●

OPEN LETTER TO PRESIDENT REAGAN ON ACID RAIN

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. SIKORSKI. Mr. Speaker, every day more scientific evidence becomes available demonstrating the environmental devastation acid rain is causing across North America. Yet the Reagan administration continues to ignore the acid rain problem. The President continues to call for more research, while leaving our lakes and lungs, forests and farmland exposed to permanent and irreversible damage.

I am putting in the RECORD an open letter sent to President Reagan on March 14, 1984, from a number of prominent Canadian church leaders. These officials ask that joint action be taken by the United States and Canada to bring about significant control of acid rain emissions.

Unfortunately, the President has failed to reply to this letter, providing another example of the current administration neglect toward the acid rain problem.

I believe we cannot afford to wait until acid rain destroys our environment, or ignore our responsibilities as stewards of our continent. It is time for Congress to take action on a comprehensive, national solution to acid rain control.

AN OPEN LETTER TO PRESIDENT REAGAN ON ACID RAIN

March 14, 1984.

President RONALD REAGAN,
United States of America, the White House,
Washington, DC.

DEAR MR. PRESIDENT: Acid rain constitutes a major threat to God's creation. From a biblical and theological perspective, we believe humanity has the responsibility to protect and nurture the earth, not exploit and destroy it.

We are deeply disappointed and frustrated that your Administration appears unwilling to support measures to reduce emissions that cause acid rain. Your own White House Office of Science and Technology, as well as

the U.S. National Academy of Science, have reinforced the need for action. Our Churches find it a sad commentary on our age that your Administration claims to lack the resources for protecting the environment through acid rain control and yet is devoting vast sums toward the production of more armaments capable of destroying the earth.

Concern about acid rain as reflected in our Government's recent diplomatic protest is shared by the Canadian people, including members of our Churches. One can well understand the anger of many Canadians as we see vulnerable areas of the environment in our country damaged by acid rain coming from your country.

A recent Consultation brought together representatives of 25 Canadian and U.S. religious bodies to plan joint strategies for tackling acid rain. They agreed that any serious commitment by Churches to a stewardship of God's creation includes action on issues like acid rain. We learned from the Americans at the Consultation that there are many U.S. citizens, including members of the churches represented at the Consultation, who are disappointed and embarrassed by U.S. inaction.

We fully recognize that Canada has the responsibility to reduce its own emissions of sulphur dioxide (SO₂) and nitrogen oxides (NO_x). As well as meeting with companies such as INCO and Noranda which have smelters which are major sources of emissions, some Canadian Churches are pressing federal and provincial governments to be more assertive in regulating those companies and making immediate action financially possible. The Churches want to see Canada's standards for motor vehicle nitrogen oxide emissions significantly tightened by the federal government. Be assured that we will be placing continued pressure on the Canadian Government and the provinces for specific major reductions in emissions.

While we acknowledge responsibility for reducing our own emissions, we feel that our government at least recognizes the seriousness of the acid rain problem and is committed to reduce this threat to the environment as quickly as possible. We hope and pray that the U.S. Administration will change its position and come to see acid rain control as being in its own interests as well as a responsibility to its northern neighbour.

We look forward to your response.

Yours truly,

The Rev. Dr. Robert Binhammer, President, The Lutheran Church in America—Canada Section.

The Rev. Dr. Russell Legge, President, The Canadian Council of Churches.

The Rev. Dr. Donald MacDonald, Moderator, The Presbyterian Church in Canada.

The Right Rev. W. Clarke MacDonald, Moderator, The United Church of Canada.

The Most Rev. Remi De Roo, Chairman, Social Affairs Commission, The Canadian Conference of Catholic Bishops.

The Most Rev. E. W. Scott, Primate, The Anglican Church of Canada.●

RESOLUTION TO RESTORE FUNDING FOR PVO'S IN NICARAGUA

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. MOODY. Mr. Speaker, today I have introduced a concurrent resolution urging the President to restore U.S. funding for private and voluntary organizations [PVO's] carrying out development assistance programs in Nicaragua.

When President Reagan cut off all foreign aid and assistance to Nicaragua in April 1981, he also prohibited the Agency for International Development [AID] from funding private and voluntary organizations with development assistance programs in that country. Regardless of partisan feelings toward the administration's foreign policy, I do not believe the peasants of Nicaragua should suffer because of disputes between their government and the United States.

Development programs in Nicaragua sponsored by PVO's are nonpolitical and provide continuity in developmental assistance independent of strains at the government level. Most important, the work carried out is directed on a people-to-people basis and is targeted to help those persons who need it most. Organizations which currently maintain programs in Nicaragua include some of the most widely respected in the field—CARE, Project Hope, OXFAM, and Save the Children.

The work of PVO's in Nicaragua is especially important to my constituents. Though the Partners of the Americas, another outstanding PVO, Wisconsin is privileged to have Nicaragua as its sister state. The Partners in Wisconsin are sending regular shipments of medical supplies needed by the Nicaraguan people and are working on a food preservation project using low-cost solar dryers.

My resolution is noncontroversial. It urges the President to reaffirm the commitment of the United States to the valuable work and services provided by PVO's and to reinstate AID funding for PVO's which currently have development assistance programs in Nicaragua.●

ANTIDEFAMATION LEAGUE OF B'NAI B'RITH HONORS JOSEPH ETTINGER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. ACKERMAN. Mr. Speaker, I rise today to inform my House colleagues of a very prominent member

of the Antidefamation League of B'nai B'rith, Joseph Ettinger. On Sunday, June 24, Mr. Ettinger will be presented with the Antidefamation League Torch of Liberty Award, during the Stephen S. Wise/Jamaica Lodge Breakfast, at the Hillcrest Jewish Center, in Jamaica, Queens County, NY.

Each year, the Torch of Liberty Award is given to a member of the Antidefamation League [ADL] in recognition and appreciation of devoted leadership in advancing the cause of human rights. I congratulate Mr. Ettinger for being selected to receive this most prestigious honor from one of our Nation's oldest human relations organizations. The ADL is dedicated to the security and fair treatment of Jews and other minority groups, and takes particular concern to preserve their safety, status, rights, and image. In its seven decades of existence, the ADL has helped advance democratic principles and objectives, and the ethics of Judaism.

Joseph Ettinger, a mechanical engineer, has been a member of the Stephen S. Wise/Jamaica Lodge of B'nai B'rith for 28 years. Known as Jerry by his fellow members, he served as the president of the lodge during 1964-65. In addition, he has attended the district convention of B'nai B'rith as a delegate representing the New York and New England areas.

He has also taken a leadership role in the Antidefamation League's development division. In the past, he has led the organization's fundraising activities and remains today an active member of B'nai B'rith's ongoing drive—the ADL appeal. Twice a year at holiday times, Mr. Ettinger participates in B'nai B'rith's Project Hope, which distributes food to needy families in the community.

Mr. Speaker, I ask all of my colleagues in the Congress of the United States to join me in saluting Jerry Ettinger and in wishing him mazel tov, and in commending the distinguished chairman of the breakfast, Sidney H. Siegel, and the honorary chairman, Rabbi Israel Moshowitz, for their dedication and support of the Jewish community in Jamaica.●

COMPROMISE ON COP KILLER BULLETS IS ACCEPTABLE TO ALL CONCERNED

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. MINISH. Mr. Speaker, every once in a while, legislation that has been logjammed suddenly breaks loose and moves downstream on the way to certain passage. That's what happened to three bills (two in the House, one in

the Senate) seeking to ban the high-powered bullets known as "cop killers."

As a cosponsor of the original bill by Mr. BIAGGI of New York, I found it very refreshing to learn that the Departments of Justice and Treasury came up with a new method of defining these vest-piercing bullets which dissipated the opposition of sportsmen and gun collectors and remains acceptable to the ban-the-handgun groups and police organizations. This was announced at a press conference in the Senate Judiciary Committee room recently.

The new version would outlaw the manufacture and import—except for use by military or law enforcement authorities—of hard metal bullets which have awesome penetrating ability and because they do not shatter on impact, can easily go right through the standard 18-layered Kevlar bulletproof vest.

It should be noted that these bullets were originally thought to be useful in stopping moving vehicles, but because of their greater ricochet ability, many police departments will not use them, such is the danger of hitting other persons in the vicinity.

It is particularly satisfying that the provision which makes certain exceptions for ammunition used by hunters, has the approval of not only the National Rifle Association, but has raised no objections from Handgun Control, Inc. Of course, this makes sense, as hunters generally use rifles while criminals prefer handguns because they can be easily concealed.

But there is no rationale for permitting these high-powered bullets to be made commercially for handguns which are rarely used by sportsmen but are usually purchased or stolen to perpetrate a crime and to thwart law enforcement officers.

So, I think the compromise concerning the definition of these cop killer bullets puts the legislation on the fast track. I have long held that any handgun bullet which can penetrate the soft body armor worn by police officers should be banned. This is essentially how the new bills have defined the bullet, and thus how the compromise was effected in the Senate bill.

Here in the House, we now have Mr. BIAGGI's new bill (H.R. 5835) and Mr. BROOK's bill (H.R. 5845) both of which contain these same provisions. Naturally, I'd like to see the House bill enacted first, but in such a vital measure as this, one which touches the lives of every law-abiding citizen and the men and women who are entrusted with the public safety, I'll be happy to vote on the first bill that comes out.●

BALANCE THE BUDGET NOW

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. IRELAND. Mr. Speaker, the American public has been told on many recent occasions to ask themselves, "Are we better off today than we were in 1980?"

The economic indicators are definitely pointing to an economy which is good for all Americans, particularly with an inflation rate of 4 to 5 percent today as compared to 12.4 percent in 1980. During the recent economic summit, our allies expressed outright jealousy at our lowered unemployment rate. In addition, our gross national product is growing at a rate of 4 to 5 percent per year as opposed to negative growth in 1980.

Such an optimistic outlook gives one pause to wonder why all the ruckus about balancing the Federal budget. It is obvious to me, as it is to many of our colleagues, that if the Government continues its excessive demand for money, there will not be enough to finance investments needed to continue the recovery. Unless we change course, interest rates will rise driving many prospective buyers out of the money markets.

While there can be more than one reason for rising interest rates, the Federal deficit is certainly the most obvious culprit and one which we can control.

Thirty-two of our States, including my own State of Florida, have already called for a constitutional convention to balance the budget. Two more are about to make the same declaration. In addition, 39 States have adopted restraints on their own spending. If the need to balance the budget is so clear to two-thirds of our States, why have we, here in Washington, failed to see the light?

As early as 1977, my first term in Congress, I voted against House Concurrent Resolution 341, the fiscal year 1978 budget resolution which carried an estimated deficit of \$61.6 billion. The actual deficit that year was \$48.8 billion. In 1982 I voted for the constitutional amendment to balance the budget, an amendment which failed to gain the two-thirds majority necessary for passage. The actual deficit that year was \$110.6 billion. And, for fiscal year 1984 we face an estimated deficit of \$180 billion—more than three times the fiscal year 1978 deficit in 8 short years.

The establishment of congressional leaders united for a balanced budget (CLUBB) is the result of the frustration of many of us who have long sought to balance the Federal budget. By encouraging the States to pass their own legislation calling for a con-

stitutional convention we hope to convince those in Congress who have yet to support such an amendment that the people of the United States want their Government's financial house put in order.

There has been some controversy over the possibility of a runaway convention in which a number of issues, other than the balanced budget, might come up for consideration. In the first place, the greatest danger is not a runaway convention, but the runaway spending which has characterized our Government's fiscal policies for the last 20 years. In addition, I offer that the greatest check against such an occurrence is for the U.S. Congress to propose such an amendment itself nullifying the need for a constitutional convention.

Mr. Speaker, I urge all of my colleagues to immediately sign discharge petition No. 10. This will discharge House Resolution 512 which is the rule to bring the Conable-Jenkins proposed constitutional amendment—House Joint Resolution 243, the balanced budget/tax limitation amendment—to the floor of the House for consideration. It's time Congress exercised its responsibility for balancing the Federal budget.●

LET US NOT BE CONFUSED:
GOVERNMENT OF NICARAGUA
SHOULD BE CALLED COMMUNIST NATIONAL DIRECTORATE

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. MACK. Mr. Speaker, it was reported yesterday by the official Tass news agency that the leader of the Nicaraguan Government, Daniel Ortega, met in the Kremlin on June 18 with Soviet President Konstantin Chernenko. No details were reported of this meeting, although it was announced that it followed earlier talks with Geidar Aliev, First Deputy Chairman of the Council of Ministers. Nicaragua's Minister of Planning, Henry Ruiz Hernandez, met with Soviet Foreign Minister Andrei Gromyko.

Prior to his arrival in the Soviet Union, Mr. Ortega announced that he would be seeking Soviet Mig jets and heavy tanks to combat the freedom fighters who, in conjunction with the Nicaraguan Catholic bishops, are trying to legitimize a democratic process in that country.

This visit, and its purpose, points to a fundamental truth not easily recognized in the confusion of today's political language—the Government of Nicaragua, as it is currently constituted, is a Communist state. This is true despite the fact that it calls itself the "Sandinista National Directorate."

The Sandinista movement has had a long history in Nicaragua dating back to the early 1900's. Its' patron saint, Augusto Cesar Sandino, began his political movement in 1925 around three fundamental themes: (1) Sovereignty; (2) nationalism; and (3) democratic socialism.

"Sandinismo," then, is a political movement which can in no way be identified with Marxist-Leninism. Marxist-Leninism is by its very nature internationalist, totalitarian, and atheistic. Sandinismo, on the other hand, is nationalist, democratic, and religious. In short, Marxist-Leninism is a view of man and the state antithetical to Sandinismo and the two cannot be identified without doing an injustice to the truth.

With this in mind, it is reasonable—in spite of the fact that for propaganda it insists upon aligning itself with Sandinismo—that we no longer refer to the Government of Nicaragua as the Sandinista National Directorate. This does violence to the true spirit of Sandinismo and, in my judgment, to the national spirit of Nicaragua. Marxist-Leninism is a political view antithetical to all history of Nicaraguan nationalism and our political vocabulary should not be insensitive to this fact. Instead, we should refer to that Government as the Communist National Directorate. This title more accurately reflects the pronouncements, the actions, and the substance of the Government of Nicaragua.

Eden Pastora, one of the heroes of the 1979 Sandinista revolution which overthrew the dictatorship of Anastasio Somoza, has stated this truth in a recent interview conducted by Tomas Regalado, news director for WRHC in Miami. Speaking by phone from Panama on May 24, 1984, Mr. Pastora stated the following:

INTERVIEW WITH EDEN PASTORA, MAY 24, 1984

It is not true that the Managua regime is Sandinista. The regime is Communist and only Communist. Sandinismo is totally opposed to communism because communism is internationalist and Sandinismo is nationalistic. Sandinismo is democratic and communism is totalitarian. Sandinismo is religious and communism does not believe in God. Let us not be confused.●

SUPPORT MILITARY
CONSTRUCTION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. ORTIZ. Mr. Speaker, soon this body will have the opportunity to vote on authorization of military construction fiscal year 1985.

All too frequently, we forget about the importance of this measure to our

total defense effort. Granted other areas of our defense budget receive the lion's share of the funding; however, this measure provides something all the billions of dollars we spend on research and development, and all the billions of dollars we spend on procurement can never provide. Military construction provides for increased readiness and it strengthens morale among our men and women in uniform.

The 27th Congressional District of Texas, which I represent, is the home of an Army depot and two naval air stations. From my discussions with personnel at these installations, I have become acutely aware of the need to beef up readiness and to do everything possible to maintain morale. We must not victimize military construction to provide for budget busting weapons programs.

I believe this bill not only satisfies many of the construction needs of the military, but is also stresses quality of life. More than one-third of this \$9.3 billion request has been designated for family housing. I know many of my colleagues have seen the facilities we force many of our military personnel to call home, and frankly, they're embarrassing. This bill continues the long process of eradicating much of the military's disreputable housing.

Aside from housing though, the other two-thirds of this bill places a strong emphasis on replacing antiquated operational, training, and maintenance facilities. With the deployment of new weapons systems, present facilities at many installations are being pushed to limits that they were never designed to endure. If we want modernization in weaponry, we must also shoulder the responsibility for constructing those facilities that are needed for successful integration of these new weapons into our arsenal.

Mr. Speaker, I hope all of us here keep these points in mind when this bill is considered. A nation cannot have a strong defense without the facilities to sustain its successful operation. ●

THE HUMAN COSTS OF DEFENSE DEPARTMENT OVERSIGHTS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. FEIGHAN. Mr. Speaker, we are all too familiar with the astronomical economic costs of waste, fraud, and abuse in the Defense Department. Tales of \$400 hammers and \$1,000 wrenches don't even raise an eyebrow any more.

But we must not forget that shoddy work and slipshod testing methods also carry tragic human costs.

Nearly 7 years ago, Sgt. Charles Anderson and 30 fellow soldiers were killed in a helicopter crash over Mindoro Island in the Philippines. The crash occurred because of a design defect in their helicopter that had been discovered 10 years earlier, but was continuously overlooked by the Pentagon.

In order to make sure that oversights like this don't happen again, Sergeant Anderson's wife—Gloria Anderson—has written a poignant story describing the circumstances surrounding her husband's death. It is an informative and insightful article, and I commend it to all of my colleagues.

WHY HELICOPTERS DON'T FLY AND YOUNG MEN DIE

(By Gloria Anderson)

I have been hiding from helicopters for six years now. I censor all movies and television shows that might contain a helicopter scene. When I hear the unmistakable drone of a helicopter overhead, I cover my ears and pray for the moment the sound diminishes and I can breathe easily again. However, sometimes I get caught off guard. I will be carelessly watching television, when one of those "Join the Army, Air Force, Marines," commercials will appear. Before I have time to dart out of the room, there it is, a giant helicopter silhouetted against the sky. The purpose of this propaganda is to entice young men to join in on the adventure and excitement. However, the helicopter scene before me represents no vision of adventure—only a dark, ominous, specter of death, looming out of the sky, waiting to claim its next victim.

Perhaps you are wondering what is the root of this fear? Is some diabolical fiend roaming military helicopters waiting to stalk lives? The answer is no, it is not that simple. My fear arises from what I know about helicopters and then transcends into an even greater fear of what I suspect about helicopters.

It all started with my marriage, on September 23, 1977, to Marine Sgt. Charles W. Anderson. It was perhaps the greatest day of my life. Having been previously married and the mother of a young son, I had thought happiness passed my life by until I met Chuck.

The three of us were very happy. It was a sad, rainy day that my son, Sam and I took Chuck to the airport. He had to return to Okinawa to complete the remaining 6 months of overseas duty. We had been married one week.

On October 8, Chuck called and told me he was going on a special two week training mission that was to take place in the Philippines. He did not want me to worry if the mail was slow during this period, since he wrote everyday. However, the mail was slow. I still received letters from him for over a week after I was notified that he was one of 30 men killed in a helicopter crash at Mindoro Island in the Philippines, on October 21, 1977, just four weeks after we had been married.

What seemed like the end of my life slowly began to evolve into a long search to find out why my husband was killed. It was the least I could do for a life that meant so much to me. The Marine Corps promised a full report. The "report" arrived several months later. It consisted of one sentence stating that Chuck was killed in a helicopter crash. Somehow I felt I deserved a little

more explanation than this. My whole world was deteriorating before me: Sam couldn't concentrate at school I could hardly get through a day of work without breaking down and sobbing at my desk. I would come home from work and Sam, trying to be too grown up for his eight years, would wear something of Chuck's and try to act like him to compensate for our loss. Our lives were shattered and the only explanation we could get was one sentence.

I just couldn't shake the feeling that something was wrong. My inquiries into the "accident" were met with polite warnings to drop the whole matter. I began to doubt myself. Perhaps I was becoming too paranoid because I just did not want to accept my husband's death.

Not knowing what to do next, I turned to what was left of my best friend, my companion, my husband—Chuck's letters. I reread all of them hoping for some sort of clue or answer to tell me what to do. It was in a letter he had written to me in May, before we were married, that I found what I was looking for. His letter reads as follows:

"Gloria I'm the operations chief, the NCOIC of a CH 53 Squadron . . .

"Well this may sound good but it's really a mess—the squadron lost 4 aircraft here in the past 6 months. All crashed with pilot mishap killing all crew. What a mess. As you can guess I'm not going to fly unless I really have to."

I never realized the significance of this statement before. How could there be so many crashes in a non combat time period? I knew then that I had a right to know what happened. No matter how long it took, I was going to find out.

The following summer, an attorney from San Francisco contacted me and asked me to join in a class action suit against Sikorsky Aircraft, the manufacturer of the CH-53's. A little leery of this unexpected visitor from out of town, I employed a local firm to investigate the accident.

Three years had already passed since my husband's death, when the law firm turned over their findings to me. The following of which I will relate to the best of my knowledge.

During the late 1960's, a new engine, the T G4-GE-413 was installed in the CH-53's. The purpose of this was to increase the power of the main rotor and on a whole to make the helicopter more powerful. However, it was soon evident that a mistake had been made. The tail rotor could not balance the increased power created by the main rotor. Under certain conditions the aircraft would become unstable and lose directional heading. In a letter dated May 20, 1970, to Naval Air Systems Command, Sikorsky warns of these conditions: Hover at high gross weights; hover at altitude; and maximum power climbs.

To compensate for the mistake that had been made Sikorski designed and tested a bell crank system to stabilize the rear rotor. They requested that all aircraft be equipped with the new system as soon as possible. Seven years later my husband and several other young men were destined to be killed aboard a CH-53, without a bell crank system installed, while trying to attempt a maximum power climb.

With the information released to me, which consisted of various correspondence between and within the Navy, Marine Corps, and Sikorski, concerning the crash, I have been able to reconstruct certain notable events leading up to and including the tragedy at Mindoro, as follows:

THE LARGE NUMBER OF PREVIOUS CRASHES

My husband wrote of 4 fatal CH-53 crashes within 6 months in a letter to me in May. A USMC correspondence refers to the Mindoro crash as "In the wing alone this is the second helicopter crash within 3 months." Since the Mindoro crash occurred in October I can only conclude that within a 10-month period there were 6 fatal CH-53 helicopter crashes. I cannot prove that these were all related, however it seems obvious that the absurdity in this high number is enough to raise suspicion. Also I cannot help but ask myself if and how many other crashes could there have been that I never heard of?

THE "NEAR MISS" INCIDENT 2 WEEKS PRIOR TO THE CRASH

This is directly quoted from the writing of my husband's commanding officer. It speaks for itself:

"The entire CH-53 community must bear the blame for this oversight (failure to install the bell crank system). Pilots will readily admit the seriousness of the problem and can relate numerous 'hairy tales' of near accidents related to loss of tail rotor authority. One such tale relates that a squadron aircraft, less than two weeks prior to the mishap (Mindoro), attempted to lift two fuel elivets, after computing that huge capability existed. Tail rotor authority was lost by the aircraft while still within ground effect on the deck. The relative acceptance of this deficiency in the CH-53's performance capability is evident in the fact that the incident was not documented."

THE CRASH

On October 21, 1977, my husband was one of two crew members along with two pilots to participate in a training program in the Philippines. Their mission was to fly a CH-53 to a hill, pick up 33 infantry men, pick up an empty water trailer, take off, and deliver the crew and cargo to another location. This maneuver called for a "maximum power climb" which Sikorski had warned of 7 years earlier. True to their prediction, shortly after lift off the helicopter began to lose directional control. It slowly started to rotate in mid air. The crew tried desperately to stabilize. They released the water trailer to lessen the weight. For a moment there was hope that they might come back into control, then being in such a mountainous region, the tail of the helicopter hit a tree and broke apart. The helicopter then started to fall uncontrollably for 400 feet. It impacted the jungle and burst into flames.

Therefore it was an accumulation of poor planning, errors, negligence, mishaps, and possibly lost lives, spanning almost a decade, that went into the making of this tragedy at Mindoro. The only answer I have been able to come up with as to how such a lack of responsibility for human life was allowed to continue for such a long period lies in the fact that no one was legally responsible. When Sikorski issued their letter of warning to the Navy in May of 1970, they were no longer liable in the eyes of the law. The government wasn't liable because a serviceman is not permitted to sue the U.S. for injuries or death sustained in the line of duty. Therefore everyone was off the "hook." That is everyone except people like my husband who were dead and people like me who were left over. I wonder how many of us there are?

To further complicate the situation, I became aware of another problem. A friend from my husband's squadron kept in touch with me for a few years. He was thoroughly convinced that the crash at Mindoro was

due to pilot error and had nothing to do with mechanical defect whatsoever. I would think that by now some of the people involved would have at least questioned pilot training if they refused to believe in anything else to explain the plague of helicopter mishaps. The legacy continues.

The Navy, in a panic after all the casualties at Mindoro, issued orders to install the bell crank system on all remaining aircraft. I do not know if or when this was ever carried out. However, I could not help but notice that, after the fact, 4 out of 8 CH-53's developed operational difficulties during the mission to rescue the hostages being held in Iran several years ago. The cause of these difficulties somehow got dropped during the shuffle of events. Later, the hostages came home free on an airplane. All the men who flew on one of the CH-53's were dead.

During the six years since Chuck's death, there still seems to be a lot of helicopter crashes going on. I know because of the pain I feel each time I read or hear of one. The reasons, the kind of aircraft, the number of people killed, all vary. The worst of these news reports is one that I read on the front page of the Cleveland Plain Dealer, April 1, 1984. To quote directly from the opening sentence that appeared in the newspaper, "A design problem in Bell Military helicopters may be responsible for 231 deaths since 1967, but remains largely uncorrected even though the Army discovered it ten years ago." I read this with a numbing realization. It was the same story over again with a few changes. Instead of the Marine Corps, it was the Army. Instead of the manufacturer being Sikorski, it was Bell. Ironically, more military men have been killed in peace-time helicopter crashes than in Beirut. Somehow this senseless slaughter must stop.

I can still remember my husband, tall, confident, and proud. There was always something so special about him that when he wrote to me in one of his last letters, "I guess I never, ever, will get over falling so completely in love with you." I can not help but reply to a person that is no longer there. "I guess I never, ever, will get over how carelessly your life was tossed away." ●

ENERGY SECURITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, June 20, 1984, into the CONGRESSIONAL RECORD.

ENERGY SECURITY

The escalating conflict between Iran and Iraq has led people to ask once again whether the United States should fear a disruption in its foreign oil supply. On the one hand, our capacity to withstand a disruption in the short term has improved. Over the past few years, we have cut consumption, stockpiled crude in reserve, shifted away from sources in the Middle East to more stable Mexican, Canadian, and British sources, and entered into agreements with other oil-importing countries to bear the burden equally during a crisis. Any optimism, however, should be tempered by the realization that expectations about the security of oil supplies can be shattered by unforeseen political or military developments

such as the revolution in Iran in 1978 or the war between Egypt and Israel in 1973. Likewise today, any number of events, ranging from a takeover of oil fields to the overthrow of a friendly government in the Middle East, could produce chaos in the economies of both the industrialized and the developing worlds.

But I am more concerned about our situation in the long term. Even if we are lucky enough to avoid a catastrophe that wipes out our Middle East oil supply, several trends are pushing us once more toward greater dependence on the Organization of Petroleum Exporting Countries (OPEC). For the first time in five years, our imports of oil are increasing, and our continued economic recovery will require more energy. At the same time, our domestic reserves of oil are shrinking, and recent efforts to discover new oil here at home generally have not succeeded. Also, reserves held by our current non-OPEC suppliers soon will be peaking, our work on synthetic fuels is being put off, much construction of new nuclear power plants has been suspended, and federal programs in the areas of solar energy and fusion power have been cut back sharply. Overall, the result of these trends could be grave: the quantity of oil that we must import could rise very sharply by 1990, and we would be under OPEC's thumb again.

Reducing our use of imported oil makes sense for several reasons. In the first place, a cutoff of imported oil could reduce our gross national product by more than 25% even today, so reliance on it makes our industries vulnerable to economic blackmail. Second, we simply cannot afford to send \$40 billion or more overseas each year to pay for the imported oil. Third, we may be compelled someday to wage an incredibly dangerous and costly war to protect energy sources located halfway around the world. Given these dire possibilities, it is not easy to see why we have continued our shortsighted dependence on foreign energy.

Real security does not require a drive for total energy independence. Instead, it means reducing our dependence in the near term to the extent that our economy can weather a sudden cutoff of the imported oil, while making the transition in the far term to more stable sources of energy available within our borders. A consensus seems to be developing that there are at least five basic steps to be taken:

First, we must step up our efforts to fill the Strategic Petroleum Reserve. Since 1977, the federal government has been purchasing crude and storing it in salt caves in Louisiana and Texas for use during an emergency. To date, we have accumulated 400 million barrels, enough to meet our needs for 200 days if OPEC oil were cut off, and 80 days if all imports of oil were stopped. This reserve would keep the wheels of industry turning while our diplomats and military men worked to restore the status quo.

Second, we must continue to promote energy conservation. Past efforts, from turning down the thermostat to adding insulation, have reduced our per capita use of energy 14% over the past ten years. However, even more significant savings could result from new technology being developed—pulse-burning furnaces, super-insulated houses, and the like. The federal government has a role to play in disseminating information and in supporting research and development. A welcome change is the administration's embracing of energy conser-

vation after initially leaving it to the private sector.

Third, we must expand domestic energy output. The idea popular a few years ago—that the oil firms would find what we needed if we unleashed them—must be re-examined. The recent surge in exploration has shown that it will be extremely difficult and expensive to discover new oil reserves. On the other hand, there is growing evidence that our undiscovered reserves of natural gas are enormous. Almost 25% of the energy that we consumed last year was domestic natural gas. We must guarantee that producers have adequate incentives to expand their output.

Fourth, we must find ways to burn coal cleanly. Our reserves of coal are large enough to meet our needs for 200 years, yet coal supplies only 22% of the energy that we consume today, primarily due to concern about the environment. In the past few years we have tried hard to develop the technology to convert coal to cleaner synthetic fuels, but the results have been disappointing. More promising technologies, such as fluidized bed combustion and other methods of burning coal with fewer emissions, are being tested and should be pursued vigorously with federal support.

Fifth, we must speed up the development of renewable energy resources. Our best hope for the distant future is to harness inexhaustible and abundant energy from the sun, the wind, the tide, and the experimental process of nuclear fusion. Renewable resources cover only 8% of our present energy needs, and much of that energy comes from government-sponsored hydroelectric projects built decades ago. The administration's cuts in ongoing research and development reveal a misunderstanding of industry's capacity and government's role. Due to the misunderstanding, valuable time is being lost and the appropriate technologies may not be available when we need them.

We have both the resources and the creativity to achieve energy security. A continuing national commitment is the missing ingredient. ●

THE IMF MUST RECONSIDER ARGENTINA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. KEMP. Mr. Speaker, every developing nation which has been successful in attaining the goals of a growing economy and creation of jobs for its people has begun the long process with capital from other nations. With this capital has come the entrepreneurial and technical skills of the owners of the capital, the foreign investors who share the goals and the dreams of those in the developing nation.

In the course of finding solutions to their current economic problems, those developing nations which are facing massive debt repayment problems and domestic stagnation would do well to remember the history of the industrial nations. From the Medici bankers who began capital markets in England to the English, German, and

French capitalists who provided capital and skills for the development of North American, foreign equity investment has been a key ingredient for economic expansion.

In today's Wall Street Journal the lead editorial graphically describes the reluctance of those nations deepest in debt to energize their economies with foreign capital. This editorial correctly points to the provision of equity capital and the associated benefits of that capital as the greatest lever available to the creditor nations.

But, Mr. Speaker, those who negotiate for us do not use this lever. Instead of insisting that nationalized industries be placed in the free markets, the IMF insists that imports be limited. Instead of insisting that tax rates on savings, investment and work be lowered, it insists that surcharges be levied. Instead of requiring that capital markets and industry be opened to all investors—while retaining full political control for the sovereign power—it seeks to repay old debts by squeezing even more from the already impoverished people who seek only jobs and security for their families.

I hope that my colleagues will consider the very accurate analysis in the Journal editorial and I ask that it be printed in the RECORD.

We need to help nurture democracy and prosperity in Argentina as they are but a symbol of the many friendly nations who look to us for leadership, friendship and the right kind of help.

The editorial follows:

[From the Wall Street Journal, June 20, 1984]

THE CREDITOR'S CLUB

As the Latin American debtors convene tomorrow in the Colombian spa of Cartagena, they will no doubt be reflecting on the dramatic change since April Fools' Day. Back then, the debtors' club was basking in its success, in the closing hours of March, in averting an Argentine default. Overdue interest payments on Argentine public-sector debt were met with loans from creditor banks and from Mexico, Venezuela, Brazil and Colombia—that is, everyone at Cartagena except Peru and Ecuador. Congratulations about cooperation and constructive steps rang loud.

As Cartagena dawns, Argentina is careening toward a spectacular default. It has chosen a head-to-head confrontation with the International Monetary Fund, and no doubt will be asking its debtor partners for cooperation if not emulation. In the most hopeful recent development Manufacturers Hanover, the bank with the biggest Argentine exposure relative to its capital, announced that it was writing down the loans. Other creditors that stand to be burned include Mexico and Venezuela at \$100 million each and Brazil and Colombia, both in for \$50 million. We would love to be a fly on the wall as the debtors' club discusses this part of the issue.

The big club at the table, however, belongs to the creditors. An Argentine agreement with the IMF is necessary to activate the U.S. Treasury's pledge to pick up the \$300 million tab for the other debtors' March loans. The Federal Reserve has lent

its, er, good offices to get interest-rate relief for Mexico for doing the things Argentina is refusing to do. As the Manny Hanny action shows, the banks are finally girding to take the problem seriously, bearing some responsibility for the mistakes they share with the debtors.

The big question is, to what purpose will the creditors' club be wielded? What advice is being offered the debtors by the IMF, the Treasury and the Fed? What hope? Do the IMF, the Treasury and the Fed ask or offer anything beyond having the debtors stage a recession to curb imports and promote exports? How is it that in this debate the IMF speaks for "austerity" and the Argentines speak for "growth"?

Clearly growth is a prerequisite if these debts are ever to be repaid. The domestic austerity and external devaluation prescribed by the IMF may typically be necessary as a recognition of past reality, but they certainly are not a recipe for the future. Tax increases and unsound money do not promote growth. And, as Britain's Lord Lever so eloquently argued on this page June 7, there is no way to squeeze Third World economies hard enough to promote the trade surpluses needed to repay these loans. His answer is to have Western taxpayers ante up to buy out the loans. Happily, there is a more constructive solution.

The foreign exchange to service the bank debts does not have to come from the trade accounts. Indeed, it cannot. But there is another source: the capital accounts. The solution to the Latin and other Third World debt is to promote capital inflows. This need not be hard, since in a free-market environment developing nations offer good profit potential, as Singapore, South Korea and Taiwan have demonstrated even recently. The whole problem is to promote a free-market environment, allowing investment to be rewarded. Why can't an IMF ask for this very thing—a recipe for growth, indeed almost a guarantee? The opportunities, and failures, have been spelled out recently by our own correspondents' reports from the world's economic trouble spots.

To take one example, in the Dominican Republic people have literally been dying in the streets over an IMF austerity program; import restrictions were the ostensible reason for the riots in which 60 people were killed. The Dominican Republic's largest investor, Gulf & Western Industries, just announced that it wants out. Among its problems, Roger Lowenstein reported from the island Monday, is a law intended to deal with the external imbalance by forcing exporters to turn in dollar earnings at an artificially low exchange rate. Somehow the IMF had less success in changing this insane tax on exports than in cutting subsidies for food. This is the difference between looking at the short-term trade balance and austerity, and at the long-term capital accounts and growth.

Even Mexico, the measure of success with IMF austerity, is not yet on a long-term growth path. Here, after all, is an enormously wealthy nation. If could wipe out its foreign debt overnight, by selling 20 billion barrels of oil still in the ground at \$4 a barrel. OK, we understand the sensibilities; oil cannot be sold to foreigners until it has been pumped out of the ground. President Cardenas nationalized oil back in 1938. If he hadn't, Mexico would have been ready to sell the oil when the price was high, but by now there is no going back. In its own interest, though, Mexico could open its doors to

direct foreign investment in other fields, but as Steve Frazier reported recently from Mexico City, promises of liberalization remain mostly promises.

There is no better example of the impact of capital accounts, though, than Argentina. In this case the disarray in internal policies is proving too much even for the IMF. If there is a big Argentine default, it will be a learning experience for debtors and for banks, and we hope for the international bureaucrats as well.

When Argentina ended military rule with elections last October, the big surprise was that the Peronistas did not win after all. Naturally (we suppose), President Raul Alfonsín's Radical Party quickly proposed a bunch of Peronist policies. The one that sends the IMF over the brink is a proposal for real wage increases of 6% to 8% in the face of 500% inflation.

Listen, though, to the policies Argentine Finance Minister Bernardo Grinspun described to the Journal's Neil Ulman in Buenos Aires in January: As all good economists demanded, the budget deficit was to be reduced—from 14% of GNP to 4% of GNP. This was to be accomplished by reducing government spending by 2% of GNP, by tax increases on the wealthy amounting to 4% of GNP and tighter enforcement of current taxes amounting to another 4% of GNP. In other words, Argentina's new democrats wanted a tax increase of 8% of GNP, to be borne mostly by holders of capital.

Argentina's ranchers, we hear, are grinding their breeding stock into hamburger so that it can be exported and turned into something resembling cash. The Grinspun economic program is only the latest in an ongoing assault on Argentina's productive sector; the government, for example, has given ranchers an exchange rate 25% below market, pocketing the difference. While the bankers were pumping \$40 billion in loans into Argentina, we understand, the Argentines were taking out some \$30 billion to park abroad. No amount of IMF credit, let alone loans from other debtors at Cartagena, is going to salvage Argentina's democracy if these internal economic policies are allowed to persist.

Now, there is plenty of homegrown folly in the world. The IMF can't carry every nation's economic mistakes on its shoulders; perhaps it shouldn't even try. But inevitably creditors do have a club to wield either directly or through official institutions. They even more than debtors need to offer a unified message: However painful short-term adjustments may be, in the long term the interests of both creditor and debtor are served by growth, and the way to growth is well established. To wit, get suicidal policies out of the way and allow the market system to work, externally and—in the long run even more important—internally as well. ●

A TRIBUTE TO DR. JOHN P. GELSOMINO

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. LIPINSKI. Mr. Speaker, I would like to recognize an outstanding citizen of Illinois' Fifth Congressional District, which I am privileged to represent, and he is Dr. John P. Gelsomino.

Dr. Gelsomino has been recognized for his dedication and numerous achievements in the education and music field, and for his contributions toward improving our community.

Dr. Gelsomino has been actively involved in organizations and dedicated to the betterment of the southwest side. Through the years, Dr. Gelsomino has received numerous awards and honors for his community service and for his dedication in the music field.

I join with the residents of the Fifth Congressional District in paying tribute to Dr. Gelsomino for his work in our behalf, and I would like to introduce into today's CONGRESSIONAL RECORD a newspaper article honoring Dr. Gelsomino upon his receipt of the Ray McDonald Community Achievement Award.

The article follows:

[From the Midway Sentinel, December 1983]

GELSOMINO RECEIVES McDONALD AWARD

The Midway Sentinel proudly salutes Doctor John P. Gelsomino, Assistant Principal of Curie High School as our monthly recipient of the Ray McDonald Community Achievement Award. This recognition is given to John for his dedication and numerous achievements in the education and music field, and also for his outstanding service to our community.

Gelsomino, a resident of the southwest side, attended and graduated from Austin High School. In 1960, he graduated from DePaul University attaining a Bachelor of Arts Degree in music education. In 1970, he earned a Masters Degree in music education. And in 1973, a Masters Degree in General Education. To further his knowledge in the education field, Gelsomino attended the Nova and University of Florida, Sarasota, where he earned a Doctorate Degree in education graduating in 1975.

John attributes his success in music from his grandfather who was an accomplished musician and who played in the opera at Palermo, Italy where he was born and raised.

On a community level Doctor Gelsomino has been actively involved in organizations and dedicated to the betterment of the Southwest Side, serving on the Archer Brighton Community Conservation Council. He presently serves as President of the Southwest Cultural Arts Council and as Secretary of the District 12 Education Council. He is past President of the Gregorian Society and member of the Joint Civic Council of Italian Americans.

Over the years, John has received numerous awards and honors for his community service and for his dedication in the music field.

Some of his honors include: A.B.C.C. Youth Award, 1968; West End Lions Club Teachers of the Year Award, 1969; National Teacher Award from the Freedom Foundation, 1970; American Cancer Society Award for Community Service, 1971; Catholic War Veterans Post #500 Man of the Year Award, 1972; Who's Who in American Education, 1971-72; Archer Road Kiwanis Teacher of the Year, 1973; Outstanding Alumni Award from DePaul University, 1974; National Bicentennial Merit, 1975; District 12 Education Council Award, 1976; American Legion Citation of Merit, 1982.

Along with Lita DiVita, President of the District 12 Education Council, John is actively working to secure funds for the Community Weekend Performing Arts Program at Curie High School.

John is married to Anisia, and they have two children, ages two and five.

The Staff of Midway Sentinel wishes Doctor Gelsomino and his family a Merry Christmas and a Happy New Year and honors him for his dedication and unselfishness towards the community of the 23rd Ward and the Southwest Side. ●

THE DOUBLE STANDARD OF HUMAN RIGHTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, human rights abuses are antithetical to all that our country stands for. It is our solemn duty to oppose and denounce these abuses whenever and wherever they occur. Perhaps this is why it is particularly distressing that egregious human rights abuses in some countries go all but unnoticed while much less serious violations in countries friendly to the United States attract almost incessant attention. Unfortunately, a definite pattern seems to have developed; the disparity of response from this country and more particularly from this body reflects an undeniable double standard.

It seems that many people have allowed themselves to be put in the hypocritical and paradoxical position of treating enemies of the free world as friends and friends of the free world as enemies—all in the name of human rights. It is absolutely ludicrous to support sanctions or penalties against South Africa or Chile at the same time one is supporting most-favored-nation status for Romania or improved relations with the Soviet Union or Communist China. Imperfect as conditions may be in South Africa or Chile, insofar as human rights are concerned, they are far better than those in Cuba, Red China, the Soviet Union, or many Third-World nations such as Mozambique. We should remind ourselves that Mozambique's President, Samora Machel, an avowed enemy of South African apartheid, has stated unequivocally that he does not believe in white minority rights in his own country.

This is not to condone certain practices of some free-world nations or to suggest that they not be urged to open up their institutions to permit fuller participation by all their citizens. Quite the contrary. It is rather, an attempt to put the subject in its proper perspective. The trend that seems to have developed is one that consistently condemns human rights violations in friendly nations while glossing over

them or completely ignoring them in developing or even Communist nations. The effect is potentially disastrous; we often aid, albeit unwittingly, the takeover of these friendly nations by those that are even less democratic or more communistic. This is a trend, regardless of how well intentioned, that can only benefit the Kremlin. In a very real sense we defeat ourselves with such a policy.

The following editorial from the most recent issue of *Strategic Review* describes in some detail this double standard and its effects. I believe that it provides an interesting and timely addition to the debate on human rights violations throughout the world, and I therefore commend it to my colleagues.

[From the *Strategic Review*, Spring 1984]

THE DOUBLE YARDSTICK OF HUMAN RIGHTS

In Conakry, Guinea, in early April, the military men who had seized power in that African state after the death of President Ahmed Sékou Touré opened the gates of the prison at Camp Boiro. The stench that billowed from the blood-encrusted torture cells was so overpowering that it penetrated some international newsprint, at least briefly.

Even to a world that has become somewhat inured to spectacles of man's inhumanity to man, Camp Boiro offered some "refinements." It seems that the thousands of suspected opponents of Touré's regime who were consigned there during the 26 years of his rule received no food, and sometimes no water, during the first nine days of their confinement. Those who survived were then either given "half-rations" of bread or rice, or they were placed on the "black diet"—a euphemism for death by total starvation.

What is noteworthy about Camp Boiro, beyond the detailing of inhumanity, is that it etches into sharp relief a double standard in Western judgments of human rights and their abuses. During the past decade, the spotlight of human rights condemnation alternated among such as the Colonels in Greece, the Park regime in South Korea and—with special glare—the Shah of Iran. Although the known facts of constant oppression in Guinea had been reported by the more objective human rights organizations like Amnesty International, they were scarcely noted in the Western media.

What accounts for the double standard? The case of Guinea gives us a few clues.

Sékou Touré was the first black African leader of stature to emerge in the storms of the postwar decolonization of the subcontinent when he assumed the presidency of Guinea after its independence from France in 1958. His striking appearance and compelling powers of oratory combined into a considerable personal charisma.

Touré was a self-avowed "scientific socialist" who proceeded to hammer Guinea into the first Marxist enclave in Africa. He was also the first sub-Saharan head-of-state to open his country to the full inflow of Soviet assistance, presence and influence. In the process he became a hero not only of Soviet propaganda, but also of the salons of chic radicalism in Western Europe and America.

The heroic bloom faded with time and stage-competition from other emergent African figures. Eventually the hand of the Soviets became too heavy even on Touré's

ego, and he evicted their mission. Nevertheless, the grafting of "scientific socialism" onto a hapless country continued as the screen for a personal rule that stands revealed today in all its depravity at Camp Boiro.

The clear inference from this compressed history is that old heroes of "liberation struggles" are not easily selected for human rights condemnation in the West. But there is patently more to the double standard.

We in the West have become subject to a process that might be characterized as a combination of semantic conditioning and image-association. The process is constantly purveyed by the Soviet propaganda transmitters and their various local amplifiers in the West. But it also has its roots in lingering myths related to our own "revolutionary heritage."

Basic to the process is the proposition that insurrections, by the very fact of their occurrence, offer proof of a justifying cause. Americans may not swallow completely, the Soviet propaganda staple that all "national liberation wars"—that lofty euphemism for insurgencies supported by Moscow—are by definition "just" wars. Nonetheless, they are inclined to give revolutionary movements at least the ample benefit of doubt with the reasoning: "If people take up arms against the authorities, there has got to be good cause." The traditional American predilection for the underdog also plays a role.

Consciously or not, by extended association, the "popular" uprising (in the double connotation of that term) becomes a "progressive" one. Conversely, the actions by the authorities that stand in the way are "repressive." The latter term, of course, has become interchangeable with "right-wing" regimes.

This dual yardstick is very much in evidence in current reactions in the U.S. media—and in the halls of Congress—to the conflict in El Salvador. Consider just one telling example: The focus of human rights criticism of the Salvadoran Government in the United States continues to be on the "right-wing death squads" that have victimized ideological opponents. Yet, in 1984 already three members of the Salvadoran legislature have been assassinated. All were conservatives. Thus, are there not also "left-wing death squads" in El Salvador?

There is yet another, more subtle, dimension to the double standard. In the story that he filed on his visit to the death-camp in Conakry, *New York Times* correspondent Clifford D. May noted some of the justifications that had been adduced for Touré's brutal rule. One of these came from Stokely Carmichael, the former American Black Panther leader who moved to Guinea in 1969. Carmichael pronounced: "In all the world's great historical movements from Christ's to Gandhi's, blood has had to flow." He opined that Touré, if anything, had been "too soft."

The overwhelming majority of Americans would not buy the macho-radical notion that human blood, including innocent blood from tortured bodies, is the indispensable lubricant of revolutionary experiments. Nevertheless, there is a prevalent tendency to allot to revolutionary movements, even after they have sized power a certain margin of leeway in their observance of basic human rights. Their breaches of those rights are rationalized as "transitory" emotional responses to a dehumanizing struggle in progress or recently completed. And, in more academic parlance, there is acceptance (or at least professed understanding) of the

need for some measure of "social discipline" in the post-revolutionary setting. The strands of such reasoning are manifest in current urgings for tolerance toward the Sandinista regime in Nicaragua.

History—particularly the torture history of our own century—exposes such sweeping assumptions and notions as myths. Revolutions, even the successful ones, are not necessarily "popular." Indeed, most of those in more recent experience were ignited by distinct minorities and then fanned into broader conflagrations by means of the deliberate provocation and escalation of violence. This elementary tactic for creating a "revolutionary situation" can be found in every modern insurgent's handbook, from Mao to Che Guevara.

Revolutionary conflicts may batten on local causes or grievances, but this does not ipso facto enshrine their nobility. Revolutions can be usurped, manipulated and perverted toward ends that will have little or no relation to the alleged causes or grievances.

Revolutions are not "progressive" by definition. Unless we accept the Marxist equation of "progressive" with "socialist," the term would suggest that the people, in whose name the revolutionary banner was hoisted, became thereby better off than they were before. Was the lot of the Russian people, during Stalin's immense horrors, really improved over that during the Tsars? What about the revolution (and it was truly that) which thrust National Socialism into power in Germany in the interwar period? In our own day, what have the Iranian people accomplished by exchanging the Shah's autocracy for the fanatical fundamentalism (and massive blood-lettings) under the Ayatollah Khomeini? Have the Nicaraguans shed the injustices of the Somoza oligarchical rule only to wear the Marxist yoke of the Sandinistas?

These are only some salient examples. Indeed, if achievement of greater freedom is the governing criterion for the "progressiveness" of revolutionary outbursts, then it is a poignant symbol of our own times that previous few have thus qualified.

By all means, let us treasure our revolutionary heritage—but let us also recognize those factors, conditions and motives that set some modern revolutionary onslaughts starkly apart from the winter at Valley Forge. By all means, let us hew to the cause of human rights—but let us also apply it fairly, without ideological blinders or emotionally misguided "discounts" for revolutionaries because they claim that title. If we were truly to do so, we might discover that the human rights cause is in no manner at odds with our strategic interests as a nation. ●

10 SUCCESSFUL YEARS IN THE PARSIPPANY-TROY HILLS OFFICE ON AGING

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. MINISH. Mr. Speaker, it is my pleasure to honor the office on aging, in Parsippany-Troy Hill, NJ, as they celebrate their 10th anniversary. The township can truly be proud of the

many contributions their office has made to the community.

This office has been noteworthy from its inception, Parsippany-Troy Hills was the first municipality in the State of New Jersey to establish an office on aging. A forerunner in their field, the Parsippany-Troy Hills office has since assisted many other towns in launching similar programs.

The general goal of the office on aging is to provide assistance to any citizen of Parsippany-Troy Hills, who is 60 years of age or older. To this end, the office sponsors many programs, such as Adopt a Grandparent, the Choral Connection, which puts senior citizens in touch with schoolchildren, a food drive, and seminars on aging. The focus of the programs is on inter-generational activities.

To me, one of the finest contributions that this office makes to the community is their recognition that senior citizens have so much to contribute to us all. The years when people may be retired from daily employment are still full and productive. Too often our popular culture extolls the virtues of youth, while forgetting that mature people have the decided advantages of wisdom, experience, and judgment. Organizations like the office on aging, help to place a balance back in our thinking and establish programs so the larger community can benefit from the experience and abilities of our senior citizens.

On the social side, the office on aging is a place where friendship and community spirit is fostered. Their activities are interesting and exciting events, which participants look forward to with good reason.

One of the primary reasons why this office has been so successful is due to the devoted work of its executive director, Rosemarie Agostini. Its director since the office opened in 1974, Rosemarie has developed and nurtured the programs. A specialist in the field of aging, she is a familiar friend to the senior citizens of Parsippany-Troy Hills. Without her knowledge, expertise, and diligence, the office on aging would not have flourished as it has. I think Rosemarie can feel special pride in this 10th anniversary celebration as it is her personal achievement, as well. I would like to join others in thanking her for her efforts.

Mr. Speaker, the Parsippany-Troy Hills Office on Aging has received national commendation from such distinguished groups as the U.S. Conference of Mayors and the National Council on Aging. It is indeed my honor and pleasure to recognize the Office on Aging today and restate that I look forward to working with them in the future.●

ANTIGO, WI: MODEL OF OLYMPIC SPIRIT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. ROTH. Mr. Speaker, the Soviets have done all they could to dampen the spirit of the summer Olympics. But they have failed.

Across the country, Americans are gearing up for the Olympic games, ready to cheer our athletes on. I would like to tell the House how the Olympic spirit is thriving in Antigo, WI, an all-American town of 10,000 people.

A group of businessmen in Antigo decided to hold a drawing for a special prize. They are not doing this for profit or promotion. Their sole purpose is to bring the Olympics closer to home. During the town's July 4 celebrations, hundreds of people from Antigo and surrounding Langlade County will gather to hear the announcement of the drawing's two lucky winners. The prize: an all-expenses paid trip to Los Angeles to root for the American team on behalf of the whole town.

Americans can score a victory over the Soviet boycott—and the political cynicism it represents—by showing our unflinching belief in the principle of peaceful competition among nations.

Last November, we in the House passed a resolution that supports and encourages the goals and ideals of international Olympic competition. I want the House to know that the people of Antigo, WI, are doing their part to keep the Olympic spirit alive.●

RESOLUTION INTRODUCED FOR DOUGLAS MACINTOSH

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, I am pleased today to introduce a resolution that would grant honorary citizenship posthumously to Douglas Clyde MacIntosh.

Douglas MacIntosh was a professor at the Yale Divinity School for 30 years, beginning in 1909. A Canadian by birth, he served as a chaplain with the Canadian Forces in World War I. After being a resident of the United States for many years, he applied for citizenship. His application was denied in 1931 for refusal to pledge to bear arms in war.

Fifteen years later, the rule under which his application was denied was overturned by the Supreme Court in *Girouard* against United States. By then, however, Dr. MacIntosh had suffered an incapacitating stroke and

could not renew his petition for naturalization. He died soon after without receiving citizenship.

The right of conscientious objection had been long established prior to World War I. The Founding Fathers believed that right to be implicit in the first amendment. In ratifying the U.S. Constitution, North Carolina and Virginia suggested that "any person religiously scrupulous of bearing arms, ought to be exempt * * *". And in 1946, Justice William O. Douglas reaffirmed the freedom of religious belief:

Throughout the ages, men have suffered death rather than subordinate their allegiance to God to the authority of the State. Freedom of religion guaranteed by the first amendment is the product of that struggle.

Mr. Speaker, the purpose of this resolution is to right the wrong done to Dr. MacIntosh over 50 years ago. I urge my colleagues today to make Douglas Clyde MacIntosh an honorary citizen of the United States.

The resolution reads as follows:

H.J. RES. —. PROCLAIMING DOUGLAS CLYDE MACINTOSH TO BE AN HONORARY CITIZEN OF THE UNITED STATES

Whereas Douglas Clyde MacIntosh, a native of Canada and a Baptist minister, distinguished himself as an outstanding theologian and respected teacher in more than 30 years of service on the faculty of the Yale Divinity School, and as a visiting lecturer in philosophy and religion at the universities of California, Chicago, Calcutta, and Harvard;

Whereas in World War I Douglas Clyde MacIntosh voluntarily served as a chaplain with the Canadian Army at Vimy Ridge and in the Battle of the Somme, lectured in the United States on behalf of the Allies, and operated an American Y.M.C.A. outpost at the front until the armistice in 1918;

Whereas in 1931 the Supreme Court of the United States, in *United States v. MacIntosh*, 283 U.S. 605 (1931), affirmed the decision of the Federal District Court of Connecticut denying Douglas Clyde MacIntosh's petition for naturalization as a citizen of the United States because he would not promise to bear arms in defense of the United States unless he believed the war to be morally justified;

Whereas in proceedings before the District Court Douglas Clyde MacIntosh stated that he was ready to give to the United States all the allegiance he had ever given or ever could give any country, but could not put allegiance to the government of any country before allegiance to the will of God;

Whereas in 1946, in *Girouard v. United States*, 328 U.S. 61 (1946), the Supreme Court overruled *United States v. MacIntosh*;

Whereas Douglas Clyde MacIntosh was not able to renew his petition for naturalization because he suffered an incapacitating stroke in 1942;

Whereas one of the cardinal principles upon which this Nation was founded is the unalienable right to the free exercise of religion, according to the dictates of conscience; and

Whereas Douglas Clyde MacIntosh died in 1948 without being vindicated for his personal sufferings on behalf of that principle: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America

in Congress assembled, That Douglas Clyde MacIntosh is proclaimed to be an honorary citizen of the United States of America.●

SOVIETS MUST ALLOW YAKIR FAMILY TO EMIGRATE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. WOLF. Mr. Speaker, I have just heard the deplorable news that Alexander Yakir of Moscow was arrested on the spurious charges of failing to appear for Soviet military service in 1978.

Alexander (Sasha) and his parents, Rimma and Yevgeny, were denied permission to leave the U.S.S.R. in 1974. The reason was that Rimma had access to state secrets when she worked as an engineer in 1971. Some of her coworkers have been allowed to leave. The family are activists in the refusenik community and their participation in political and Jewish cultural activities have made them targets for KGB harassment.

Alexander (Sasha) graduated from a Moscow scientific institute as an electrical engineer with a specialty in remote control technology. However, due to his status as a refusenik, he has never worked in his field. For several years, he was forced to work as an elevator operator. Sasha's parents, both denied positions as mechanical engineers, have managed to eke out a living in Moscow. Yevgeny strings tennis rackets and Rimma works as a typist. The Yakirs have fluency in English and Hebrew.

As we all know, the Soviets frequently attempt to draft young male refuseniks, thus effectively detaining them for 7 years on the grounds of army secrets. The Soviet Union's case against the Yakirs in denying them permission to emigrate is itself a flagrant and deplorable violation of the Helsinki Accords, which the Soviets have signed. The further harassment and outrageous arrest of Alexander must not go unnoticed.

I urge the Soviet Union, in the strongest possible terms, to release Alexander and to allow the Yakir family to emigrate, and to end the brutal harassment of Jews living in the Soviet Union.●

JEAN MARIE GLENN EARNS HIGHEST ACADEMIC AWARD

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. O'BRIEN. Mr. Speaker, academic excellence is always a remarkable accomplishment and a treasure for

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those who have earned it. But the accomplishment becomes that much greater for the student who involves herself in campus activities and responsibilities over and above her devotion to studies alone.

I would like my fellow Members of Congress to join with me in recognizing Jean Marie Glenn, who has been cited by her school, the Rochester Institute of Technology, for receiving a perfect 4.0 grade point average at the Institute's National Technical Institute for the Deaf.

Jean Marie is an accounting major in the School of Business Careers, an active member of the NTID Student Congress, and the 1983-84 student representative on the NTID Curriculum Study Committee.

NTID Director William E. Castle says in winning the Academic Achievement Award, Jean Marie demonstrated "outstanding academic achievements and contributions to the community. Her high level of accomplishment is the result of hard work, dedication, and motivation."

Jean Marie, who also has a brother enrolled as a student at NTID, is the daughter of Mr. and Mrs. Bernard Glenn, 1517 North Center Street in Joliet, IL.●

DANIEL NATHAN ROSENBLUM, AN OUTSTANDING YOUNG MAN

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Ms. OAKAR. Mr. Speaker, in May, 1984, one of my fine constituents, Daniel Nathan Rosenblum graduated from Yale University with a B.A. in history. He graduated summa cum laude with distinction in his major. He was also elected to Phi Beta Kappa.

Daniel was valedictorian of the 1980 graduating class from Midpark High School in Middleburg Heights, a suburb of Cleveland, OH.

He served as a congressional intern in my office from May through July, 1983. During this time spent in my office Dan did outstanding work in preparation for a hearing I chaired. He was most cooperative and a great asset to my office. Not only was he one of the most outstanding interns who have served in my office, but will be remembered as an outstanding young man.

Dan is now in London, England, serving as a research assistant to Lord Eric Avebury, MP. I am certain that he will serve with distinction in Lord Avebury's office.

I extend my most sincere congratulations to Dan and his parents, Evy and Lou Rosenblum, upon his achievements now and in the future.●

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HIGHEST CIVILIAN AWARD

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Ms. KAPTUR. Mr. Speaker, recently one of the outstanding citizens in my district, Mr. Herman Schmalzried, was honored with the highest civilian award given by the state of Baden-Wuerttemberg, Germany, for his work in promoting the German culture. This award has rarely been given to an individual living outside of West Germany.

Mr. Schmalzried, president of the Toledo Schwaben Verein, was presented with this award by a special West German delegation at the 100th anniversary celebration of the Schwaben Verein in Toledo, OH, on May 19, 1984. The Schwaben Verein, composed of persons of German ancestry from the Black Forest region of West Germany, has contributed greatly to my community.

Mr. Schmalzried has been president of the Schwaben Verein since 1968. Through his leadership, this organization has remained a strong and vital part of the German American community. He has also worked very hard in promoting the German culture in my district. He has initiated many exchanges of choral groups, bands, and other cultural affairs with the state of Baden-Wuerttemberg.

Not only has Mr. Schmalzried been involved in the promotion of social and cultural activities for the German American people, but has also exhibited a deep concern and commitment to their human needs. Many have been comforted and cared for during their times of need by Mr. Schmalzried. He has always given unselfishly of his time and energy.

Mr. Speaker, I know my colleagues in the House of Representatives join me in saluting Mr. Herman Schmalzried.

A TRIBUTE TO DR. ALBERT A. BUCAR

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, on this day, June 20, 1984, I would like to recognize and congratulate a member of my constituency, Dr. Albert A. Bucar, for his installation as the president of the American Optometric Association. This is a special honor for the State of Illinois as there has not been an AOA president from Illinois since 1962. In addition, there have been only four AOA presidents

from Illinois in the 86-year history of the association.

This is not the first achievement for Dr. Bucar. His professional involvements concerning optometric care and public health have been many and include national, State, and county organizations and commitments. The AOA has benefited greatly from his service as he has held many positions before becoming its president for the 1984-85 year. Dr. Bucar has also devoted much time and energy to the Illinois chapter of the AOA, having been its president, selected as its optometrist of the year, and served on many committees. Dr. Bucar should also be commended for his community involvement with the Antioch Lions Club, the Knights of Columbus Council 3800, the Antioch High School Board of Education and many other worthy organizations.

Again, allow me to reiterate my recognition of Dr. Albert A. Bucar for his commendable service to and achievements for his country, State, and community.●

50 YEARS OF SERVICE TO THE COMMUNITY—THE RAINBOW LAKES FIRE DEPARTMENT

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. MINISH. Mr. Speaker, it is my distinct pleasure to send my congratulations to the Rainbow Lakes, NJ, Fire Department, as they mark an important occasion. This Saturday, June 23, the fire department will celebrate the 50th anniversary of their founding. Since 1934, the local fire department has provided their community with superior fire services.

As one can imagine, the community of Rainbow Lakes has changed in 50 years and the fire department has kept pace with it. When the department was first organized, Rainbow Lakes was overwhelmingly a community of summer residents, with few people living there all year. But through the decades, as the industrial and business area has grown in Morris County, Rainbow Lakes has changed and developed to where it now is predominantly a community of year-round homeowners. During these years, the Rainbow Lakes Fire Department has grown too, meeting the new demands of an expanded community through the dedicated efforts of the volunteer squad.

I would like to make a special point of noting that this is an all-volunteer squad, composed of 40 men. In the fast-paced and hectic world in which we live today, it can be particularly difficult for people to offer their free time for community service. These men provide their time and skills to

help protect the lives and property of their neighbors. I would like to join others in the community in sending my wholehearted thanks and appreciation to the members of the Rainbow Lakes Fire Department for their efforts. My best wishes are with you for continued success for many, many years to come.●

IMMIGRATION REFORM AND CONTROL ACT

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. LELAND. Mr. Speaker, it is with deep regret that I will be unable to register my "no" vote on the final passage of the Simpson-Mazzoli Immigration Reform and Control Act later this afternoon. My presence is required on a very important matter in my home State of Texas.

As I have stated throughout this debate and in the past, I firmly believe that it is unconscionable for us to enact any piece of legislation that fails to ensure the Nation's civil liberties and in fact, only serves to foster and perpetuate discrimination.

While the existence of an illegal immigration problem in this country is almost unanimously accepted, the myths regarding illegal immigrants and their economic impact that have surfaced give evidence to the fact that few have addressed the true nature of the problem. Until a full understanding of this problem is achieved, a just, nondiscriminatory immigration reform bill cannot be formed.

The root causes of illegal immigration are not addressed by the Simpson-Mazzoli bill; the debate preceding the vote on the bill's final passage clearly indicated the necessity for further exploration of the alternatives at hand.

My Houston and Washington offices have received numerous calls, letters, and telegrams expressing sincere concern for illegal immigrants and those affected by their presence in this country. However, the majority agreed that while there does exist a problem that needs to be addressed, the Simpson-Mazzoli bill is not the solution. I, too, agree that there is a problem that must be addressed as soon as possible, but the problem must be addressed with compassion and justice; the Simpson-Mazzoli bill does neither.●

COMMENDATION OF WOMEN'S CLUB OF BURBANK

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. BERMAN. Mr. Speaker, I would like to commend the Women's Club of Burbank for its 75 years of outstanding service to the city of Burbank, the State of California, and the country.

Since its inception in 1909, the club has promoted the cultural and educational enrichment of the community. The efforts of this nonprofit, nonpartisan organization have included the sponsorship and support of the Family Crisis Center, the Center for the Retarded, the Sepulveda Veterans Hospital, and the Wesley Nursing Home, to name just a few.

We owe the Women's Club of Burbank a debt of gratitude and wish them continued success in the future.●

TRIBUTE TO LEO HAMMER— TENANT LEADER

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. TORRICELLI. Mr. Speaker, I rise today to honor Leo Hammer, one of New Jersey's foremost tenant leaders and community activists. For his 15 years of direct and effective action in defense of tenant rights, Mr. Hammer will be honored by the New Jersey Tenants Organization on Sunday, June 24, 1984.

Since 1969, Leo Hammer has set a high standard for tenant action and community awareness. He is a founder of the New Jersey Tenants Organization, which today stands at the forefront of the grassroots political movement in America. Leo also founded the Elmwood Park Tenants Association, once the State's largest tenants organization.

Among his friends and colleagues, Leo Hammer is referred to as the unsung hero of the tenant's movement. He has made his name as a hard bargainer with landlords and local politicians for fair rents and decent services. His commitment to confrontation has played a pivotal role in the progress of tenant rights in New Jersey.

It is the Leo Hammers of our country who express the needs and set the goals for those we represent in public office. I am grateful for his contribution and am proud of his work for our community.●

THE SOCIAL SECURITY ADMINISTRATION IS UNDERMINING THE STRUCTURE OF FEDERAL LAW

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 1984

● Mr. ROYBAL. Mr. Speaker, Erwin Griswold, the Solicitor General in the Nixon administration and a former dean of the Harvard Law School, has stated that while he was Solicitor General, his office acquiesced to court of appeals decisions on a nationwide basis when three—or at most four—circuits decided a legal issue in the same way. Yet, the Reagan administration's Deputy Solicitor General defends the continuing policy of "nonacquiescence" in the disability program despite unanimous circuit court decisions.

For example, in almost every Federal circuit the courts have ruled that the Social Security Administration [SSA] must demonstrate that an individual's medical condition has improved prior to terminating disability benefits. Yet, SSA's policy of nonacquiescence and nonappeal to the Supreme Court forces each beneficiary to relitigate the same issue in the same circuit, and is increasing Social Security court case backlogs by 2,000 a month.

The resolution of the issue of nonacquiescence is included in the disability reform legislation recently passed by the House and awaiting conference. The House bill (H.R. 3755) requires SSA to abide by a Federal circuit court decision for all beneficiaries within the circuit, or appeal the decision to the Supreme Court. This is common policy in the Federal Government, and, in fact, the Internal Revenue Service applies a decision to all cases within that circuit, even when it disagrees with the decision. The Senate bill, on the other hand, condones SSA's unconstitutional violation of the checks and balances between the executive and judicial branches.

The House provision on this issue must prevail during the conference committee. I applaud the efforts of the gentleman from Illinois, LANE EVANS, who will soon be sending a "Dear Conferee" letter expressing opposition to the policy of nonacquiescence and urge my colleagues to sign it.

In order to describe this issue more thoroughly, I ask permission to insert the Anthony Lewis article from Monday's New York Times. The article is appropriately entitled, "Respect for the Law?"

The article follows:

EXTENSIONS OF REMARKS

[From the New York Times, June 18, 1984]
RESPECT FOR THE LAW?

BOSTON.—Does the Reagan administration show contempt for the rule of law? A sharp denial of that charge has come from a distinguished legal figure in the administration. Paul M. Bator, a Harvard law professor now serving as Deputy Solicitor General, addressed the question in a speech to the American Law Institute. His analysis deserves reflection.

The particular context is the legal treatment of Americans getting disability benefits under social security. Since taking office the Reagan administration has moved to cut about 500,000 individuals from the disability rolls. Federal Courts around the country have held in case after case that improper standards were used in stripping people of benefits. But the Social Security Administration has repeatedly refused to follow those decisions in other, similar cases.

The pattern of official "nonacquiescence" in judicial decisions was described in a New York Times news story on May 13. It quoted strong criticism of the practice by several Federal judges. In a subsequent column I used the disability situation as an example of official lawlessness.

The two pieces were severely criticized by Professor Bator. He said they showed how the press oversimplified public issues, reducing hard problems to "superficial one-liners."

The disability cases, he suggested, were not about disregard for the rule of law. Rather they raised a "subtle and interesting" problem of how the Government could assure adequate judicial consideration of difficult legal issues.

If the Government had to treat every case it lost in the lower courts as binding in all like cases, Professor Bator said, there would be terrible consequences. There would be no chance of other Federal circuits to consider the issue, for conflicts among the circuits to develop, for reflection to deepen understanding. There would be pressure on the Solicitor General to take every such case on up to the Supreme Court, and for the Court to rush to judgment.

Professor Bator was quite right to say that the first judicial decision cannot be the last word on the question of Federal law. But that theory does not reach the reality of what has been happening in the disability cases.

First of all, the Government has not just resisted a decision in one or two circuits, waiting for a possible legal conflict to develop with others. Most of the 12 Federal Courts of Appeals have now rejected one or more of the Administration's standards for revoking disability benefits. Most have held, for example, that there must be evidence of medical improvement before an administrator can say that someone is no longer disabled.

Erwin N. Griswold, former dean of the Harvard Law School, worked in the Solicitor General's office 50 years ago and was Solicitor General in the Nixon administration. He says the office followed the practice of acquiescing if three or at most four courts of appeals decided a legal issue the same way—unless the issue was taken to the Supreme Court. For example, Mr. Griswold said, the Treasury did not want to recognize professional corporations, "but after three or four losses in the courts of appeals I said I wouldn't authorize any more appeals."

Second, when a Court of Appeals has laid down a rule of law, the general Government practice has been to apply it within that cir-

cuit even while seeking a different outcome elsewhere. That has not been done in the disability cases. If a disabled New Jersey woman goes to court and gets her benefits back, the administration keeps taking them away from others in New Jersey in similar situations.

Professor Bator conceded that the refusal to follow decisions within a circuit raised concerns of fairness, but he said there were countervailing interests of national uniformity in "mass programs of welfare and tax." But the Internal Revenue Service, even when it disagrees with one circuit's decision, applies it to all cases in that circuit.

That the disability cases are different from the model described by Professor Bator is also evident from the judicial reaction. Judges all over the country are expressing outrage at the policy of nonacquiescence, and speaking of official contempt. If Mr. Bator has any quarrel with the talk of administration lawlessness, it should be with judges before journalists.

Federal District Judge Joseph S. Lord III of Philadelphia, finding last month that a woman whose illness had her down to 88 pounds was totally disabled, said it was "blatant hypocrisy" for the Government to find otherwise. "If the purpose of the Department of Health and Human Services is to crush defenseless human beings," he said, "as it seems to be, it would succeed unless in cases like this courts interposed a protective arm."

That is the other thing about these disability cases. They are not just abstractions of legal theory. They involve human beings: mostly poor, desperate people with wasted intestines and missing limbs. Few know about their rights or have lawyers to fight for them. For a Government to say that each must litigate an issue of law again, no matter how often it has been decided, is lawless in the most profound sense. ●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 21, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 22

9:30 a.m.

Environment and Public Works

To hold hearings on proposals for establishing appropriate levels of lead in gasoline, including S. 2609.

SD-406

Judiciary

Constitution Subcommittee

To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, focusing on the impact of ERA on family law.

SD-226

10:00 a.m.

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on S. 2762, the Barrow Gas Field Transfer Act of 1984.

SD-366

Finance

International Trade Subcommittee

To hold hearings on measures to provide import relief to the domestic nonrubber footwear industry, including S. 2731, American Footwear Act of 1984, and amendments to section 201 of the Trade Act of 1974.

SD-215

2:00 p.m.

Finance

Health Subcommittee

To hold oversight hearings on medicare home health care benefits and the difficulty interpreting the intermittent care rule.

SD-215

Foreign Relations

To hold hearings on the nominations of Owen W. Roberts, of New Jersey, to be Ambassador to the Republic of Togo, John W. Shirley, of Illinois, to be Ambassador to the United Republic of Tanzania, and Leonardo Neher, of Maryland, to be Ambassador to the Republic of Upper Volta.

SD-419

JUNE 25

10:00 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business.

SD-406

Judiciary

Administrative Practice and Procedure Subcommittee

To hold oversight hearings on congressional access to reliable agency information.

SD-226

2:00 p.m.

Foreign Relations

To hold hearings on the nominations of Alberto M. Piedra, of Maryland, to be Ambassador to the Republic of Guatemala, and Clint A. Lauderdale, of California, to be Ambassador to the Cooperative Republic of Guyana.

SD-419

JUNE 26

9:00 a.m.

*Judiciary

Constitution Subcommittee

To hold oversight hearings on issues of religious freedom.

SD-106

EXTENSIONS OF REMARKS

9:30 a.m.

Environment and Public Works

Environmental Pollution Subcommittee

To hold oversight hearings on the implementation of the Lacey Act Amendments (Public Law 97-79), to control international trade in wildlife.

SD-406

*Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine measures to combat adolescent drug use.

SD-342

10:00 a.m.

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To hold oversight hearings on Outer Continental Shelf leasing activities.

SD-366

Finance

International Trade Subcommittee

To hold hearings to examine the impact of the American Telephone and Telegraph divestiture on international trade and the future of international trade in telecommunications.

SD-215

Foreign Relations

To hold hearings to examine the practice of torture by foreign governments and U.S. efforts to oppose its use.

SD-419

Judiciary

To hold hearings on S. 2051, Health Care Cost Containment Act of 1983.

SD-226

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold oversight hearings on the status of college athletic programs.

Rules and Administration

Business meeting, to consider Senate Resolution 365, to authorize expenditures by the Select Committee on Indian Affairs, Senate Resolution 369, to direct the Secretary of the Senate to design and make available to Senators an official Senate flag, Senate Concurrent Resolution 122, to provide for a Joint Congressional Committee on Inaugural Ceremonies, and other pending legislative and administrative business.

SD-301

2:00 p.m.

Appropriations

Business meeting, to mark up H.R. 5798, appropriating funds for fiscal year 1985 for the Department of the Treasury, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, proposed legislation appropriating supplemental funds for fiscal year 1984, and appropriating funds for fiscal year 1985 for foreign assistance programs, and proposed legislation appropriating funds for fiscal year 1985 for the Departments of Labor, Health and Human Services, and Education.

SD-192

Environment and Public Works

Toxic Substances and Environmental Oversight Subcommittee

To resume hearings on S. 2649, authorizing funds through fiscal year 1989 for the Environmental Protection Agency to develop regulations for monitoring of unregulated contaminants now

found in surface and underground drinking water sources.

SD-406

Labor and Human Resources

To hold hearings on S. 2568, the Civil Rights Act of 1984.

SD-430

4:00 p.m.

Temporary Select Committee to Study the Senate Committee System

To hold an organizational business meeting.

SR-301

JUNE 27

9:00 a.m.

Environment and Public Works

Environmental Pollution Subcommittee

To hold hearings on amendment No. 2807, proposed Wildlife and the Parks Act of 1984, to S. 978, to provide financial assistance to States for wetlands conservation.

SD-406

Labor and Human Resources

Handicapped Subcommittee

To hold hearings to review recommendations to improve services for the mentally retarded.

SR-428A

9:30 a.m.

Judiciary

Constitution Subcommittee

To hold oversight hearings on the implementation of the Voting Rights Act.

SD-226

Special on Aging

To hold hearings on the scope of medical malpractice, and to examine options to Medicare.

SD-628

10:00 a.m.

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings on Senate Concurrent Resolution 56, to express the sense of the Congress in opposition to further expansion of cargo preference requirements.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Finance

International Trade Subcommittee

To hold hearings on the state of the U.S. automobile industry, focusing on the competitiveness of the industry, effects of the Japanese auto export restraints, and the future of international trade in autos.

SD-215

Foreign Relations

International Economic Policy Subcommittee

To hold hearings protectionism in international trade, focusing on the automotive industry.

SD-419

*Judiciary

Administrative Practice and Procedure Subcommittee

To resume oversight hearings on congressional access to reliable agency information.

SD-226

Labor and Human Resources

Business meeting, to consider S. 2568, the Civil Rights Act of 1984, and the nomination of Rosemary M. Collyer,

of Colorado, to be General Counsel of the National Labor Relations Board.

SD-430

*Veterans' Affairs

To hold hearings on measures to provide for certain veteran compensation programs, including S. 2736, S. 2737, S. 2267, S. 2268, S. 2451, S. 2759, and S. 2760.

SR-418

Joint Economic

To hold hearings on the minimum wage.
340 Cannon Building

3:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

JUNE 28

9:00 a.m.

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on S. 2692 and H.R. 2982, bills to exempt certain water conveyance systems from right-of-way fees and conditions under the Federal Land Policy and Management Act of 1976, H.R. 2889, to authorize funds for fiscal years 1984 through 1987 for the National Museum for the Building Arts for operating expenses during its renovation, and to change the name of the museum to the National Building Museum, and H.R. 2838, to provide assistance to certain groups and organizations volunteering to plant tree seedlings on public lands.

SD-366

Labor and Human Resources

To hold hearings on S. 2748, to revise the procedures for new drug applications and to provide for the extension of patents for certain regulated products, and the proposed Drug Export Amendments of 1984.

SD-430

9:30 a.m.

*Foreign Relations

To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Energy, Nuclear Proliferation and Government Processes on Senate Resolution 368 and Senate Resolution 283, measures calling for a ban on chemical weapons.

SD-419

Governmental Affairs

Energy, Nuclear Proliferation and Government Processes Subcommittee

To hold joint hearings with the Committee on Foreign Relations on Senate

Resolution 368 and Senate Resolution 283, measures calling for a ban on chemical weapons.

SD-419

10:00 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business.

SD-406

Finance

To hold hearings on the trade deficit.

SD-215

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on S. 2561, authorizing funds for fiscal year 1985 to facilitate the transfer of computerized training programs of the Federal Government to the private sector and to State and local governments for use in manpower training programs.

SD-562

JULY 6

9:30 a.m.

Joint Economic

To hold hearings on the employment/unemployment situation in June.

SD-106

JULY 10

9:30 a.m.

Labor and Human Resources

To hold hearings on the practice of defensive medicine by the medical profession in an effort to avoid malpractice suits and its effects on the quality of medical care.

SD-430

JULY 26

9:30 a.m.

Finance

Taxation and Debt Management Subcommittee

To hold hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.

SD-215

9:30 a.m.

Finance

Taxation and Debt Management Subcommittee

To continue hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.

SD-215

JULY 30

9:30 a.m.

Finance

Taxation and Debt Management Subcommittee

To resume hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.

SD-215

SEPTEMBER 18

9:30 a.m.

Labor and Human Resources

Labor Subcommittee

To resume oversight hearings to examine the scope and impact of certain occupational diseases.

SD-430

11:00 a.m.

Veterans' Affairs

To hold hearings to review the legislative priorities of the American Legion.

SR-325

CANCELLATIONS

JUNE 21

9:30 a.m.

Finance

Energy and Agricultural Taxation Subcommittee

To hold hearings on S. 463, to limit the amount of severance taxes imposed by States on oil, natural gas, and coal.

SD-215

10:00 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business.

SD-406

JUNE 22

9:00 a.m.

Energy and Natural Resources

Energy Regulation Subcommittee

To resume hearings on S. 817, S. 1069, and H.R. 555, bills to authorize the Federal Energy Regulatory Commission to approve the inclusion in the rate base of a public utility of the costs of construction work in progress.

SD-366